



## **CITY COUNCIL**

City Clerk's Office 8/10/2016 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 August 15, 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 August 15, 2016 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

### ***Moment of Silence - Pledge of Allegiance***

### **Orders**

- (1.) Establishing Polling Places (Mayor Sarno)

**ATTACHMENTS:**

- Primary Warrant 2016(DOC)

- (2.) 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)
- HCA City of Springfield - Hampden Care Facilities - Amended Final Draft (DOC)

### **Petitions**

- (3.) Petition to Keep, Store, Use and Sell Petroleum

**ATTACHMENTS:**

- 658 berkshire petro (PDF)

### **Special Permits**

- (4.) For a Special Permit Motor Vehicle Rentals at the Properties Known as 117 Spring Street (A.K.A. 121) (11040-00787), ES Pearle Street (09585-0110), ES Spring Street (11040-0079) and ES Spring Street (11040-0081) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

Request: See Above

Owner: One Twenty One Spring Street,  
LLC

By: Darryl Schwartz

Petitioner: Eduardo Infante

By: Eduardo Infante

**ATTACHMENTS:**

- 117\_Spring\_St\_Tax\_Formal (PDF)
- Spring\_St\_117\_2106 (PDF)

- (5.) For a Special Permit to Operate a Drive-Up Service Window at the Property Known as 660 Liberty Street (07770-0155), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1.3.

Request: See Above  
Owner: Archland Property, LLC  
By: David M. Ledy, Secretary  
Petitioner: Archland Property, LLC  
By: David M. Ledy, Secretary

**ATTACHMENTS:**

- 660\_Liberty\_St\_Tax\_Formal (PDF)
- Liberty\_St\_660\_2016 (PDF)

- (6.) To Amend an Existing Special Permit (Non-Conforming Structure), Granted May 23, 2016, by Allowing a Change in the Approved Plan, at the Property Known as 437 Bay Street (01085-0371), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Request: See Above  
Owner: All Nations Church of God  
By: Doyle St. Louis  
Petitioner: Better Homes Properties, LLC  
By: Thomas P. Kegelman

**ATTACHMENTS:**

- 437\_Bay\_St\_Tax\_Formal (PDF)
- Bay\_St\_437\_Amend\_2016 (PDF)

- (7.) 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)

- (8.) For a Special Permit to Operate a Drive-Up Service Window at the Property Known as 1809 (A.K.A. 1811) Boston Road (01655-0388), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).

Request: See Above  
Owner: Realty Income Corporation  
By: David Panella  
Petitioner: Friendly's Restaurants, LLC  
By: David Panella

**ATTACHMENTS:**

- Boston\_Rd\_1809\_Tax\_Formal (PDF)
- Boston\_Rd\_1809\_2016 (PDF)

**suspension of rules****(9.) Dickinson Street****ATTACHMENTS:**

- 8-10-2016 notice of meeting #6238 (PDF)
- plan #6238 Dickinson St. (PDF)



# City Council

SCHEDULED

Meeting: 08/15/16 07:00 PM  
Initiator: Gladys Rivas-Martinez  
Sponsors: Mayor Domenic J. Sarno  
DOC ID: 3613

## Establishing Polling Places (Mayor Sarno)

ORDERED, that the polling places for the **State Primary** to be held in the City of Springfield on **THURSDAY, SEPTEMBER 8, 2016** be and they are hereby designated as follows:

### WARD 1

- A. RIVERVIEW ADMINISTRATION BLDG..... 82 DIVISION STREET
- B. RIVERVIEW ADMINISTRATION BLDG.....82 DIVISION STREET
- C. NORTH END YOUTH CENTER .....1772 DWIGHT STREET
- D. BAY STATE PLACE .....414 CHESTNUT STREET
- E. BAY STATE PLACE .....414 CHESTNUT STREET
- F. HOBBY CLUB .....309 CHESTNUT STREET
- G. FIRE DEPT. HEADQUARTERS.....SPRING & WORTHINGTON STREETS
- H. THE GOOD LIFE CENTER. . .....1600 E. COLUMBUS AVE

### WARD 2

- A. SPRINGFIELD BOYS AND GIRLS CLUB .....481 CAREW STREET
- B. SPRINGFIELD BOYS AND GIRLS CLUB .....481 CAREW STREET
- C. SPRINGFIELD BOYS AND GIRLS CLUB .....481 CAREW STREET
- D. VAN SICKLE SCHOOL, GYM .....1170 CAREW STREET
- E. VAN SICKLE SCHOOL, GYM.....1170 CAREW STREET
- F. SAFETY COMPLEX. .... 1212 CAREW STREET
- G. BOWLES SCHOOL ..... 24 BOWLES PARK
- H. VAN SICKLE SCHOOL, GYM .....1170 CAREW STREET

### WARD 3

- A. EMERSON HALL (Next to Mason Wright Retirement Community) 439 UNION STREET

|        |                                                        |           |
|--------|--------------------------------------------------------|-----------|
| B.     | GENTILE APARTMENTS, COMMUNITY RM.....85 WILLIAM STREET |           |
| C.     | GENTILE APARTMENTS, COMMUNITY RM.....85 WILLIAM STREET |           |
| D.     | JC WILLIAMS COMMUNITY CTR .....116                     | FLORENCE  |
| STREET |                                                        |           |
| E.     | JC WILLIAMS COMMUNITY CTR .....116                     | FLORENCE  |
| STREET |                                                        |           |
| F.     | HOLY NAME CHURCH/SOCIAL CENTER.....323                 | DICKINSON |
| STREET |                                                        |           |
| G.     | HOLY NAME CHURCH/SOCIAL CENTER.....323                 | DICKINSON |
| STREET |                                                        |           |
| H.     | HOLY NAME CHURCH/SOCIAL CENTER.....323                 | DICKINSON |
| STREET |                                                        |           |
| STREET |                                                        |           |

**WARD 4**

|           |                                                  |           |
|-----------|--------------------------------------------------|-----------|
| A.        | REBECCA M. JOHNSON SCHOOL .....55                | CATHERINE |
| STREET    |                                                  |           |
| B.        | REBECCA M. JOHNSON SCHOOL .....55                | CATHERINE |
| STREET    |                                                  |           |
| C.        | MASON SQUARE LIBRARY.....765 STATE STREET        |           |
| D.        | HIGHLAND HOUSE, INC.....250                      | OAK GROVE |
| AVENUE    |                                                  |           |
| E.        | MASON SQUARE FIRE STATION .....33 EASTERN AVENUE |           |
| F.        | AIC CORNIOTES HALL.....1053 STATE ST (Corner     |           |
| of Homer) |                                                  |           |
| G.        | INDEPENDENCE HOUSE. . . . .1475                  | ROOSEVELT |
| AVENUE    |                                                  |           |
| H.        | AIC CORNIOTES HALL .....1053 STATE ST (Corner    |           |
| of Homer) |                                                  |           |

**WARD 5**

|         |                                                           |          |
|---------|-----------------------------------------------------------|----------|
| A.      | HIGH SCHOOL OF SCENCE & TECH. . . . . 1250 STATE & ALTON  |          |
| STREET  |                                                           |          |
| B.      | HIGH SCHOOL OF SCIENCE & TECH . . . . .1250 STATE & ALTON |          |
| STREET  |                                                           |          |
| C.      | MARY LYNCH SCHOOL..... 315 NORTH BRANCH                   |          |
| PARKWAY |                                                           |          |
| D.      | GREENLEAF COMMUNITY CENTER.....1188                       | ½ PARKER |

## STREET

- E. PINE POINT LIBRARY ..... 204 BOSTON ROAD  
 F. DUGGAN SCHOOL.....1015 WILBRAHAM

## ROAD

- G. GREENLEAF COMMUNITY CENTER.....1188 ½ PARKER

## STREET

- H. CHURCH OF THE ACRES... .....1383 WILBRAHAM

## ROAD

**WARD 6**

- A. FOREST PARK LIBRARY COMMUNITY ROOM .....380 BELMONT AVE  
 B. FOREST PARK LIBRARY COMMUNITY ROOM .....380 BELMONT AVE  
 C. FOREST PARK COMMUNITY ROOM.....25 BARNEY LANE  
 D. ALICE BEAL SCHOOL .....285 TIFFANY STREET  
 E. HOLY NAME CHURCH/SOCIAL CENTER.....323 DICKINSON

## STREET

- F. ALICE BEAL SCHOOL .....285 TIFFANY STREET  
 G. MLK CHARTER SCHOOL .....285 DORSET STREET  
 H. MLK CHARTER SCHOOL .....285 DORSET STREET

**WARD 7**

- A. MARY DRYDEN SCHOOL.....190 SURREY ROAD  
 B. FREDERICK HARRIS SCHOOL.....58 HARTFORD

## TERRACE

- C. FREDERICK HARRIS SCHOOL.....58 HARTFORD

## TERRACE

- D. TALMADGE SCHOOL .....1395 ALLEN STREET  
 E. BRUNTON SCHOOL .....1801 PARKER STREET  
 F. KILEY MIDDLE SCHOOL .....180 COOLEY

## STREET

- G. BRUNTON SCHOOL .....1801 PARKER STREET  
 H. GLICKMAN SCHOOL .....120 ASHLAND

## AVENUE

**WARD 8**

- A. MARY MOTHER OF HOPE (ST. MARY'S) CHURCH . . . . . 840 PAGE

## BLVD

- B. MARY LYNCH016 SCHOOL..... 315 NORTH

## BRANCH PARKWAY

- C. CENTRAL HIGH SCHOOL .....1840 ROOSEVELT

## AVENUE

- D. JOHN F. KENNEDY MIDDLE SCHOOL .....1385 BERKSHIRE

## AVENUE

E. INDIAN ORCHARD CITIZENS COUNCIL..... 117 MAIN STEET I.O

F. JOHN F. KENNEDY MIDDLE SCHOOL .....1385 BERKSHIRE

## AVENUE

G. WARNER SCHOOL ..... 493 PARKER STREET

H. PINE POINT LIBRARY..... 204 BOSTON

## ROAD

**POLLING PLACES SHALL BE OPEN FROM 7:00 AM TO 8:00 PM**

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR 2016 STATE PRIMARY**

**SS.**

To the Constables of the City/Town of SPRINGFIELD

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at:

**SEE ATTACHED WARD AND PRECINCT NUMBERS AND POLLING LOCATIONS**

On **THURSDAY, THE EIGHTH DAY OF SEPTEMBER, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS

COUNCILLOR

SENATOR IN GENERAL COURT

REPRESENTATIVE IN GENERAL COURT

SHERIFF

FIRST DISTRICT

EIGHTH DISTRICT

FIRST & HAMPSHIRE DISTRICT

6<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> DISTRICT

HAMPDEN COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 15<sup>TH</sup> day of August, 2016.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**City Council of the City of Springfield**

**By posted on the Official Bulletin Board of the Office of the City Clerk and on City's Website**

\_\_\_\_\_  
**Anthony Wilson, Esquire - City Clerk**

**A True Copy Attested**

**August 15, 2016**

Warrant must be posted by **September 1, 2016** (at least *seven days prior* to the **September 8, 2016** State Primary).

Attachment: Primary Warrant 2016 (3613 : Establishing Polling Places)



## City Council

TABLED

Meeting: 08/15/16 07:00 PM  
Initiator: Thomas Moore  
Sponsors: Mayor Domenic J. Sarno  
DOC ID: 3576

2

### **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 1<sup>st</sup> 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 15<sup>th</sup> 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:\_\_\_\_\_

## AMENDED FINAL DRAFT

**HOST COMMUNITY AGREEMENT  
BETWEEN  
THE CITY OF SPRINGFIELD  
AND  
HAMPDEN CARE FACILITIES, 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 Facilities, Inc.**, a Massachusetts non-profit corporation, with a usual place of business located at \_\_\_\_\_, Springfield, Massachusetts 01104, 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:

## AMENDED 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 1<sup>st</sup> 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.

## AMENDED 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.

## AMENDED 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, thirty-three (33%) percent of full-time employees of Hampden Care at the Dispensary shall be Springfield residents.
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 15<sup>th</sup> 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.

## AMENDED 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.
15. Minority Hiring. Hampden Care agrees that thirty eight (38%) percent of its full time employees at the Dispensary will be minorities, as that term is defined in the Code of Massachusetts Regulations, 425 CMR 2.00.
16. Progress Report. In the first quarter of 2018, Hampden Care shall appear before the City Council to report on its compliance with the provisions of this Agreement.

**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 FACILITIES, INC.**

**CITY OF SPRINGFIELD**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title:

Director, Department of Health and  
Human Services

## AMENDED FINAL DRAFT

Approved as to Appropriation:

Approved as to Form:

\_\_\_\_\_  
City Comptroller\_\_\_\_\_  
City Solicitor

Approved:

Approved:

\_\_\_\_\_  
Chief Procurement Officer\_\_\_\_\_  
Chief Administrative and Financial Officer**APPROVED:**\_\_\_\_\_  
Domenic J. Sarno, Mayor

Date: \_\_\_\_\_



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3614)**

Meeting: 08/15/16 07:00 PM  
Department: City Clerk  
Category: General  
Prepared By: Anthony I. Wilson  
Initiator: Anthony I. Wilson  
Sponsors: Mayor Domenic J. Sarno  
DOC ID: 3614

## Petition to Keep, Store, Use and Sell Petroleum

See Attached

Springfield Fire Department - Headquarters  
605 Worthington Street  
Springfield, MA 01105-1112  
413-750-2444 (office) / 413-787-6411 (Main)  
413-787-6432 (FAX)

Joseph A. Conant  
Commissioner

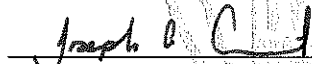
June 13, 2016

To: CITY COUNCIL

License to keep, store, sell and use petroleum and its products in quantities not exceeding 10,000 gallons in underground tank(s)(new) at 658 Berkshire Ave., per attached list:

Application is outlined above:

Investigated by Joseph A. Conant, Commissioner  
Steven Desilets, Building Commissioner  
Phil Dromey, Planning Department  
Chris Cignoli, Director of Public Works

  
Joseph A. Conant, Commissioner

  
Steven Desilets, Building Commissioner

  
Phil Dromey, Planning Department

  
Chris Cignoli, Director of Public Works

RECEIVED

JUN 16 2016

BUILDING DIVISION  
SPRINGFIELD, MA 01104

**CITY OF SPRINGFIELD**

City Clerk's Office, Springfield, Massachusetts

**TO THE CITY COUNCIL OF THE CITY OF SPRINGFIELD:**Date 5-25-16

The undersigned respectfully petition your honorable body for a license to keep, store, use and sell petroleum and its products in quantities not exceeding 10,000 Gallons

in UNDERGROUND ( NEW )  
(Underground or Aboveground) New or Existing

Location of Land: 658 Berkshire Ave  
Springfield, MA 01109 (Number & Street)

Nearest Cross Street: Cottage Street

Owner of Land: Berkshire Asphalt Co. Address: 658 Berkshire Avenue  
Springfield, MA 01109

Number of Buildings or Other Structures to Which this Application Applies:

1 Building

Occupancy or Use of Such Buildings:

Asphalt Production

Total Current Capacity of Tanks: ABOVEGROUND: UNDERGROUND: 9,000 gallons

Kind of Fluid to be Stored in Tanks:

#2 Heating Oil

Patrick Gleason  
Signature of Applicant

Address

Approved--Disapproved

Date

ATTN: PATRICK GLEASON.

Chief of Fire Department

Filling Fee: \$ 250.00

Adv Fee: \$ 100.00

Annual Fee \$ 44.00

Total: \$ 394.00 PK

CHK# 17852

RECEIVED

JUN 1 6 2016

BUILDING DIVISION  
SPRINGFIELD, MA 01104

Packet Pg. 24

Attachment: 658 berkshire petro (3614 : Petition to Keep, Store, Use and Sell Petroleum at 658 Berkshire Ave)



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3571)**

Meeting: 08/15/16 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3571

**For a Special Permit Motor Vehicle Rentals at the Properties  
Known as 117 Spring Street (A.K.A. 121) (11040-00787), ES  
Pearle Street (09585-0110), ES Spring Street (11040-0079) and  
ES Spring Street (11040-0081) as Allowed by M.G.L. and the  
Springfield Zoning Ordinance, Article 4, Table 4-4, Section  
12.2 and M.G.L.**

|             |                                      |
|-------------|--------------------------------------|
| Request:    | See Above                            |
| Owner:      | One Twenty One Spring Street,<br>LLC |
| By:         | Darryl Schwartz                      |
| Petitioner: | Eduardo Infante                      |
| By:         | Eduardo Infante                      |

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

for a special permit motor vehicle rentals at the properties known as 117 Spring Street (a.k.a. 121) (11040-00787), ES Pearle Street (09585-0110), ES Spring Street (11040-0079) and ES Spring Street (11040-0081) as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

**Mailing Address:**

665 Washington Street  
 Boston, MA 02111

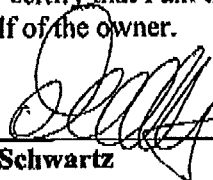
**Mailing Address:**

222 Pheasant Drive  
 Springfield, MA 01119

**Owner:**

**One Twenty One Spring Street, LLC**

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

BY:   
 Darryl Schwartz

**Petitioner:**

**Eduardo Infante**

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

By:   
 Eduardo Infante

Attachment: 117\_Spring\_St\_Tax\_Formal (3571 : 117 (A.K.A. 121) Spring Street)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

3/4/2016

## 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: 175 CHESTNUT ST (027500516)

Petitioner: TYRE TRAK AUTOMOTIVE, INC.

Landlord: ELEANOR CHESTNUT REALTY, LLC

A handwritten signature in cursive script, reading 'Stephen J. Loneragan', is written over a horizontal line.

Stephen J. Loneragan: Treasurer/Collector

Attachment: 117\_Spring\_St\_Tax\_Form (3571 : 117 (A.K.A. 121) Spring Street)

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

---

**117 (A.K.A. 121) SPRING STREET (11040-0078)  
MOTOR VEHICLE RENTAL (U-HAUL)**

*General Information*

---

|                                                       |                                                                  |
|-------------------------------------------------------|------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Eduardo Infante                                                  |
| <b>Request:</b>                                       | For a special permit for motor vehicle rentals (U-Haul).         |
| <b>Proposed use of the property:</b>                  | Retail operation                                                 |
| <b>Parcel Size:</b>                                   | 16,609 s.f.                                                      |
| <b>Compatibility with current planning documents:</b> | The Downtown Master Plan does not show any changes to this area. |
| <b>Neighborhood council notification:</b>             | Armoury Quadrangle Civic Association: 7-21-16                    |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                                     |
| <b>Site Visit:</b>                                    | 7-28-16                                                          |
| <b>Hearing Date:</b>                                  | 8-15-16                                                          |

*Staff Analysis*

**Neighborhood characteristics:**

---

The parcel is currently zoned Business A and is located in an area that has a mix of commercial and residential uses. The surrounding land uses include:

- To the north is an apartment building zoned Business A.
- To the south is an apartment building zoned Residence C.
- To the west is Armoury Commons Park zoned Open Space.
- To the east is an apartment building zoned Residence C.

**Site plan review:**

The petitioner has requested a special permit for motor vehicle rentals at the property known as 117 Spring Street, ES Spring Street and ES Pearl Street. This is the current location of the Plaza Supermarket. The proposed special permit would allow for the rental of U-Haul vehicles.

After visiting the site, the staff does not object to the proposed use. The petitioner has indicated that there would only be two (2) vehicles stored on the property and those vehicles would be parked within the existing parking lot. It does appear to the staff that this parking area can accommodate the parking needs for the existing retail use as well as the two (2) rental vehicles.

The only concern that the staff has is with regards to where the proposed U-Haul trucks are being stored. As noted above, this site directly abuts an apartment building to the south. If approved, the staff would recommend that these larger vehicles not be allowed to be parked up against the apartment building so as to not block the windows of the first floor tenants.



#### *Recommendation*

---

Approve, with conditions.

#### *Recommended Conditions*

---

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for motor vehicle rentals at the property known as 117 (a.k.a. 121) Spring Street (11040-0078), ES Spring Street (11040-0079/0081) and ES Pearl Street (09585-0110).
3. The use shall be developed in accordance to the attached site plan with the addition of condition #4 through #9.
4. There shall be no more than two (2) rental vehicles stored on the site at any one time.
5. The rental vehicles shall not be parked up against the adjacent apartment building located at 103 Spring Street.
6. The site shall be maintained free of all litter, trash and debris.
7. Any and all dumpsters shall be completely enclosed.
8. The public sidewalks along Spring Street and Pearl Street shall be maintained, including snow removal.
9. Any and all signage shall be properly permitted.
10. 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

3/4/2016

## 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: 175 CHESTNUT ST (027500516)

Petitioner: TYRE TRAK AUTOMOTIVE, INC.

Landlord: ELEANOR CHESTNUT REALTY, LLC

Stephen J. Lonergan: Treasurer/Collector

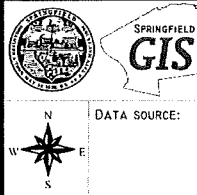
Attachment: Spring\_St\_117\_2106 (3571 : 117 (A.K.A. 121) Spring Street)

Proposed Location

Pearl St

Spring St

Byers St



City of Springfield, Massachusetts

DATA SOURCE:

117 Spring Street

Attachment: Spring\_St\_117\_2106 (3571 : 117 (A.K.A. 121) Spring Street)



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3608)**

Meeting: 08/15/16 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3608

**For a Special Permit to Operate a Drive-Up Service Window  
at the Property Known as 660 Liberty Street (07770-0155), as  
Allowed by M.G.L. and the Springfield Zoning Ordinance,  
Article 4, Table 4-4, Section 19.1.3.**

|             |                          |
|-------------|--------------------------|
| Request:    | See Above                |
| Owner:      | Archland Property, LLC   |
| By:         | David M. Ledy, Secretary |
| Petitioner: | Archland Property, LLC   |
| By:         | David M. Ledy, Secretary |

**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 as 660 Liberty Street (07770-0155), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1.3.

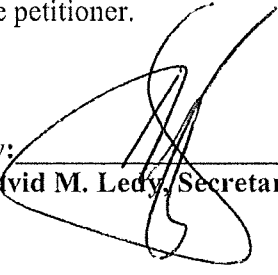
**Mailing Address:**

PO Box 182571  
Columbus, OH 43218

**Owner & Petitioner:**

**Archland Property, LLC**

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

By: 

David M. Ledy, Secretary

Attachment: 660\_Liberty\_St\_Tax\_Formal (3608 : 660 Liberty Street)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

07/08/2016

## 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 : 660 LIBERTY STREET  
Petitioner: ARCHLAND PROPERTY LLC C/O DAVID M. LEDY  
LandLord: ARCHLAND PROPERTY LLC C/O DAVID M. LEDY

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

Stephen J. Loneragan: Treasurer/Collector

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

---

**660 LIBERTY STREET (07770-0155)  
DRIVE-UP SERVICE WINDOW**

*General Information*

---

|                                                       |                                                                      |
|-------------------------------------------------------|----------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | McDonald's Corporation                                               |
| <b>Request:</b>                                       | Drive-up Service Window                                              |
| <b>Proposed use of the property:</b>                  | Fast food restaurant                                                 |
| <b>Size:</b>                                          | 51,035 s.f.                                                          |
| <b>Compatibility with current planning documents:</b> | The Liberty Heights Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | Hungry Hill Neighborhood Council: 7-21-16                            |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                                  |
| <b>Site Visit:</b>                                    | 7-28-16                                                              |
| <b>City Council Hearing:</b>                          | 8-15-16                                                              |

*Staff Analysis*

---

**Neighborhood characteristics:**

The property is currently zoned Business A and is located in an area that has a mix of commercial and residential uses. The surrounding land uses include:

To the north are residences, an office building and a gas station zoned Residence B, Business B and Business A.

To the south is the State Police Barracks.

To the east are a supermarket and fast food restaurant zoned Business A.

To the west are commercial uses zoned Business A.

**Site plan review:**

The petitioner has requested a special permit to operate a drive-up service window at the property known as 660 Liberty. This is the site of a McDonald's Fast Food Restaurant. There is currently an existing drive-up service window at this location that was originally approved back in 2001.

As was stated above, the site is a McDonald's fast food restaurant with a drive-up service window. The petitioner has submitted plans indicating that a second drive-up ordering station will now be installed. It should be noted that these same plans were submitted and approved back in 2012, however, the project never moved forward. As such, that approval has since expired. It should also be noted that this special permit was

also amended in 2014 to change the hours of operations.

Overall, the staff does not object to the proposed request. After reviewing the submitted site plans and visiting the site, the design of the drive-up service window and parking layout does not significantly differ from the existing layout, however, with the installation of the second ordering station, the rear parking will need to be moved closer to the rear lot line. The existing building will also be receiving an updated façade similar to other McDonald's found on Page Boulevard and Boston Road.



As was noted by the staff when the plans were approved back in 2012, with regards to the relocated parking, the plans submitted indicated that the required seven (7) foot buffer will remain; however, the plans do not show what type of plantings will be installed. If approved, it would be the staff recommendation that this buffer be planted with arborvitae shrubs to provide the maximum screening for the residential abutters.

#### Recommendation

Approve, with conditions.

#### Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely to operate a drive-up service window at the property known as 660 Liberty Street (07770-0155).
3. The use shall be developed as per the attached site plans and elevations, dated May 18, 2012, with the addition of conditions #4 through #12.
4. All conditions placed on the original special permit(s), granted April 18, 2001 and amended in March 2014, shall remain in effect with the exception of the change in the site plans as noted in condition #3.
5. The rear buffer along the residential abutters shall be planted with arborvitae shrubs, planted three (3) feet on center and three (3) feet in height at the time of planting.
6. There shall be no "running messages" or "flashing messages" allowed on the ground sign.
7. There shall be no additional advertising material located on any directional signage or light poles.
8. The site shall be maintained free of all weeds and trash and debris.
9. All landscaped areas, including the public tree belt shall be maintained by the petitioner. This includes the removal of snow from the public sidewalks.
10. The dumpster(s) shall be completely enclosed.
11. There shall be no banner, streamers or other promotional materials placed in outside areas.
12. There shall be no non-accessory signs located on the property.
13. 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

07/08/2016

## 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:

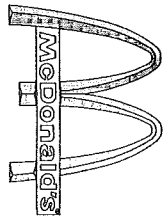
Special Permit : 660 LIBERTY STREET  
Petitioner: ARCHLAND PROPERTY LLC C/O DAVID M. LEDY  
LandLord: ARCHLAND PROPERTY LLC C/O DAVID M. LEDY

Stephen J. Loneragan: Treasurer/Collector

Attachment: Liberty\_St\_660\_2016 (3608 : 660 Liberty Street)

# SITE DEVELOPMENT PLANS

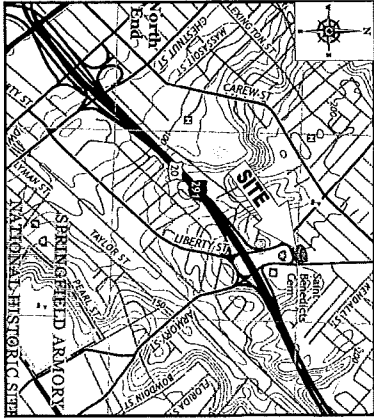
FOR:  
PROPOSED



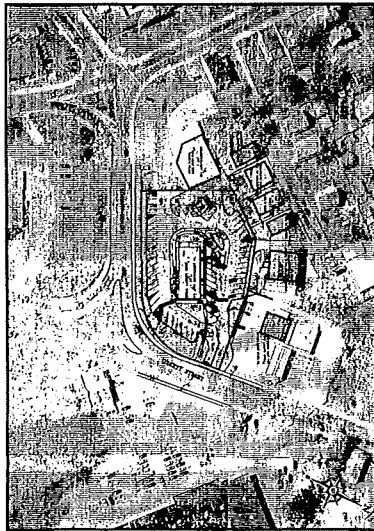
WITH DRIVE-THRU  
LOCATION OF SITE:

660 LIBERTY STREET, TOWN OF SPRINGFIELD  
HAMPDEN COUNTY, MASSACHUSETTS

MAP 148, LOT 1



LOCATION MAP  
SCALE: 1"=100'



AREA PLAN  
SCALE: 1"=20'

| SHEET TITLE                     | SHEET NUMBER |
|---------------------------------|--------------|
| COVER SHEET                     | C-1 OF 6     |
| GENERAL NOTES SHEET             | G-1 OF 6     |
| DEMOLITION PLAN                 | D-1 OF 6     |
| SITE PLAN                       | S-1 OF 6     |
| GRADING & DRAINAGE PLAN         | G-2 OF 6     |
| LIGHTING PLAN                   | L-1 OF 6     |
| DETAIL SHEET                    | D-2 OF 6     |
| BUILDING ELEVATIONS (BY OTHERS) |              |

SHEET INDEX

**BOHLER ENGINEERING**

1000 WEST 10TH AVENUE  
SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1100  
WWW.BOHLERENGINEERING.COM

PROJECT NO. 022-1109

DATE: 11/20/2012

BY: [Signature]

CHECKED: [Signature]

STREET ADDRESS: 660 LIBERTY STREET

TOWN: SPRINGFIELD STATE: MASSACHUSETTS

COUNTY: HAMPDEN

PROJECT NO. 022-1109

DATE: 11/20/2012

BY: [Signature]

CHECKED: [Signature]

| TYPICAL LEGEND |                |
|----------------|----------------|
| EXISTING       | PROPOSED       |
| ASPHALT DRIVE  | ASPHALT DRIVE  |
| CONCRETE DRIVE | CONCRETE DRIVE |
| GRAVEL DRIVE   | GRAVEL DRIVE   |
| GRASS          | GRASS          |
| STONE          | STONE          |
| WOOD           | WOOD           |
| SHRUBS         | SHRUBS         |
| TREES          | TREES          |
| WATER          | WATER          |
| STORM SEWER    | STORM SEWER    |
| ELECTRIC       | ELECTRIC       |
| DATA           | DATA           |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

| NO. | DESCRIPTION       |
|-----|-------------------|
| 51  | 1. PROPOSED DRIVE |
|     | 2. EXISTING DRIVE |

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.

PROJECT NO. 022-1109

DATE: 11/20/2012

BY: [Signature]

CHECKED: [Signature]

STATE OF MASSACHUSETTS

REGISTERED PROFESSIONAL ENGINEER

NO. 10000

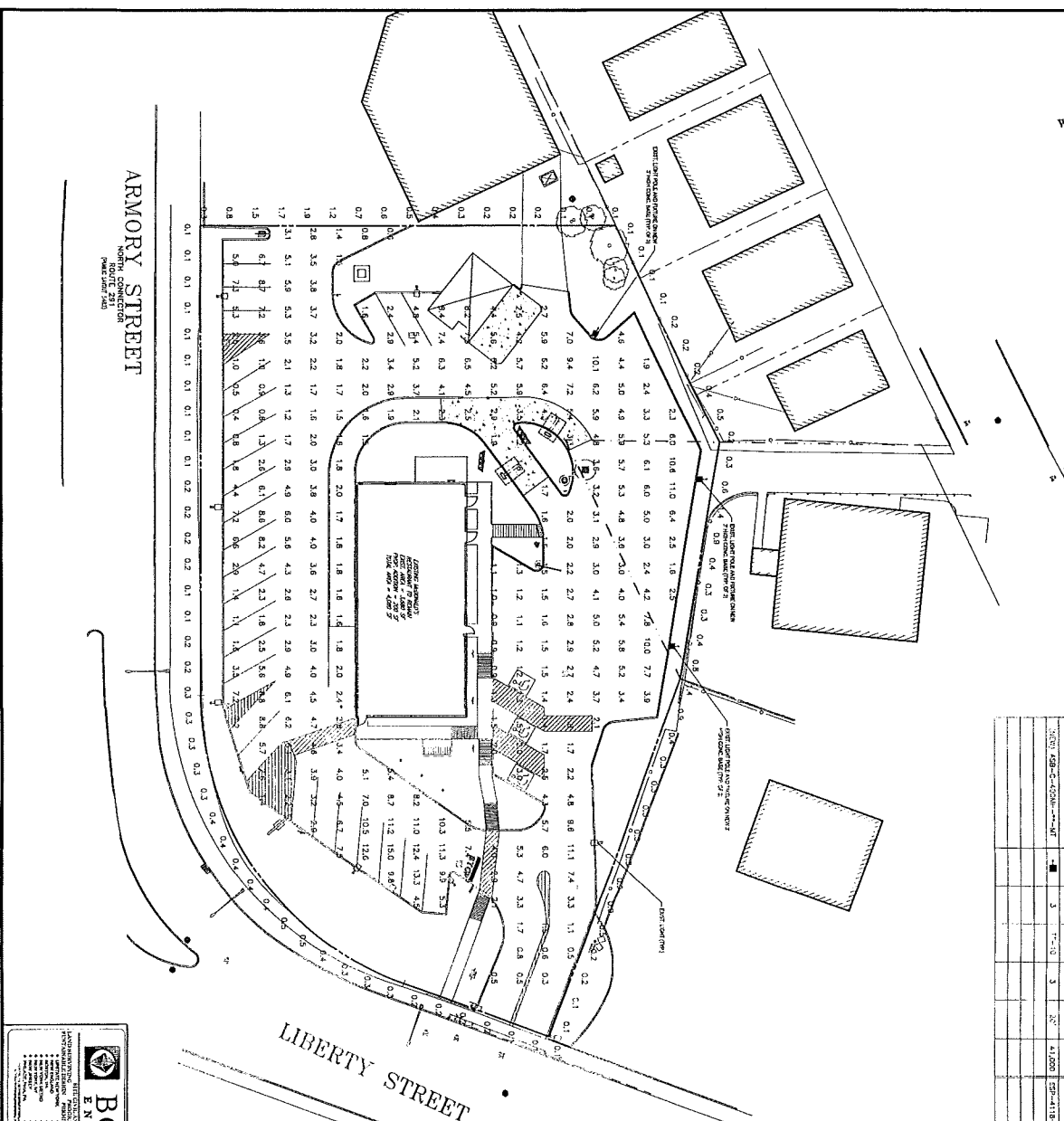
DATE: 11/20/2012

| REV | DATE      | DESCRIPTION               | BY  |
|-----|-----------|---------------------------|-----|
| 1   | 5/25/2012 | SHIFTED COOLER ADDITION   | EGD |
| 2   | 9/18/2012 | ADDED LANDSCAPING         | AWP |
| 3   | 7/7/2016  | RELOCATED TRASH ENCLOSURE | DJA |

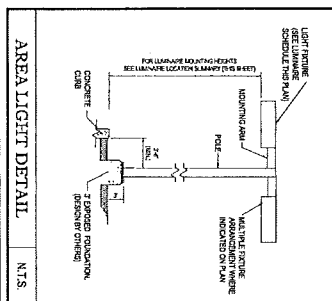
Packet Pg. 40





[illegible]

1. The first step in the process of the development of a new product is the identification of a market opportunity. This involves a thorough analysis of the market, including the identification of unmet needs and the assessment of the competitive landscape.
2. The next step is the development of a business plan. This plan should outline the company's mission, vision, and goals, as well as the strategies for achieving them. It should also include a detailed financial forecast and a marketing plan.
3. The third step is the development of a prototype. This involves creating a physical or digital representation of the product, which can be used to test the concept and gather feedback from potential customers.
4. The fourth step is the development of a minimum viable product (MVP). This is a version of the product that is functional enough to be used by a small group of customers, allowing the company to test the market and gather feedback.
5. The fifth step is the development of a go-to-market strategy. This involves identifying the target market, developing a marketing plan, and establishing a distribution channel.
6. The sixth step is the launch of the product. This involves the actual release of the product into the market, followed by a period of monitoring and evaluation.
7. The seventh step is the development of a customer support system. This involves creating a system for handling customer inquiries, complaints, and feedback.
8. The eighth step is the development of a sales and distribution network. This involves identifying and establishing relationships with sales and distribution partners.
9. The ninth step is the development of a financial management system. This involves creating a system for tracking and managing the company's finances.
10. The tenth step is the development of a legal and regulatory compliance system. This involves ensuring that the company is compliant with all applicable laws and regulations.



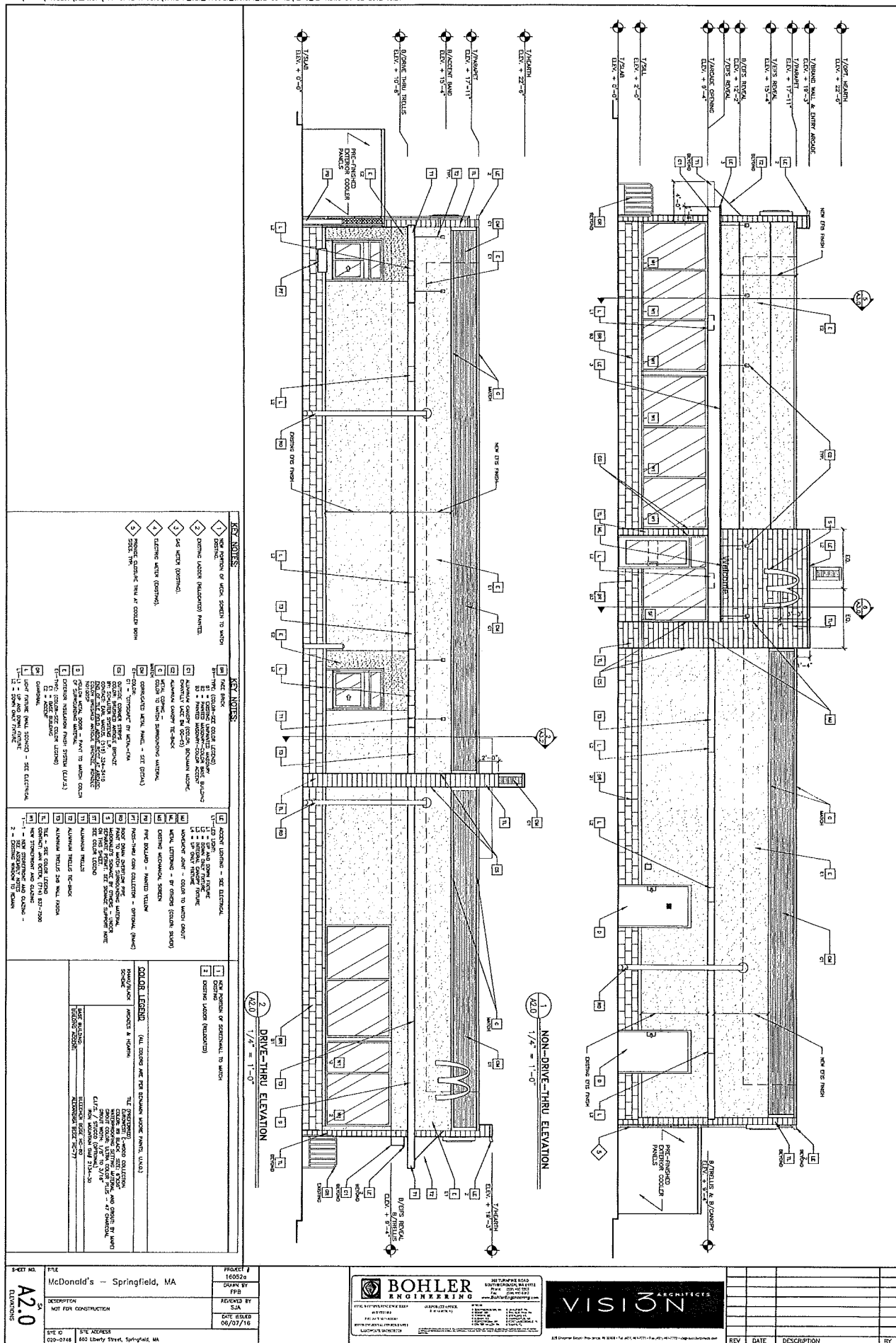
THIS PLAN TO BE UTILIZED FOR  
LIGHTING PURPOSES ONLY

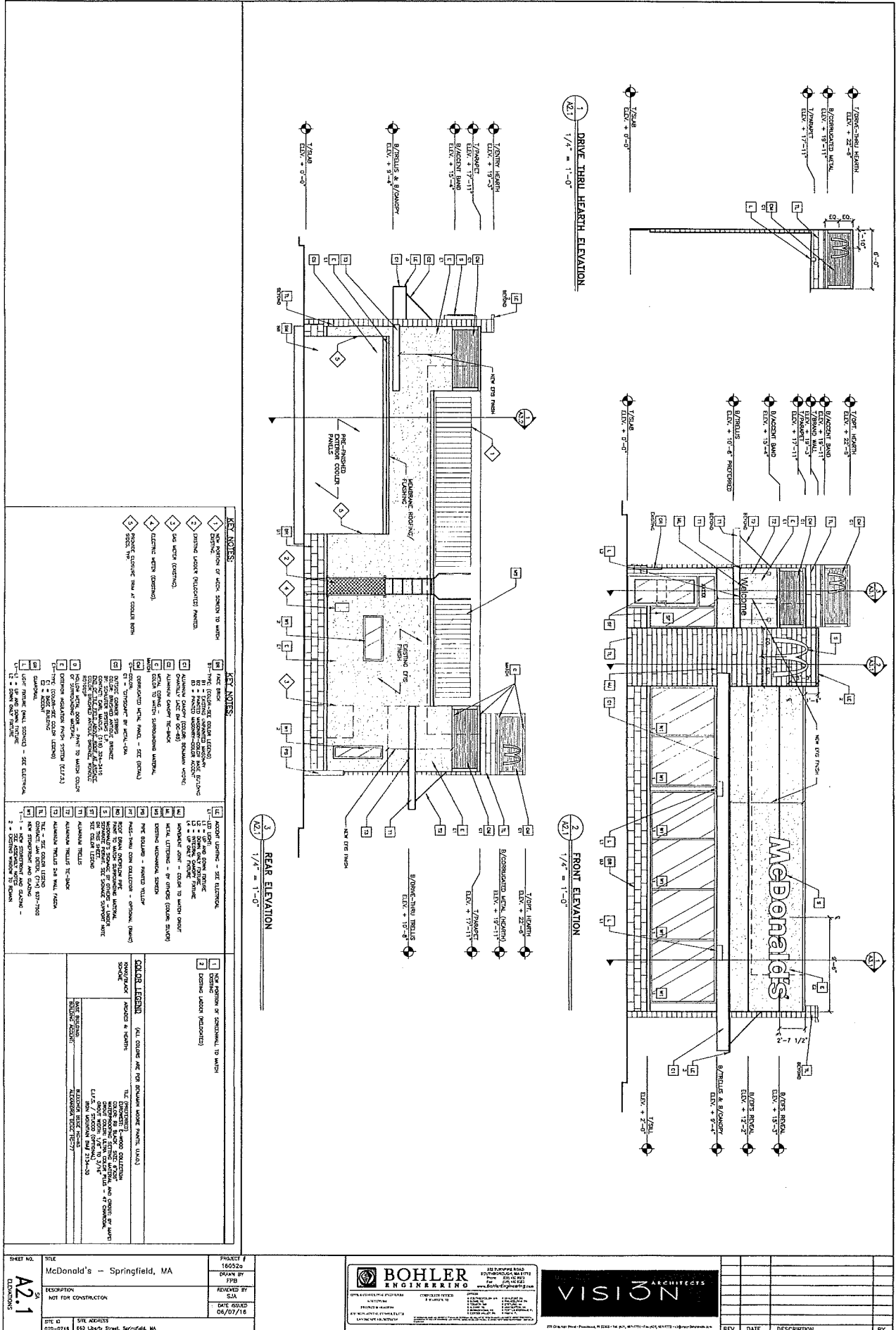
[illegible]

# McDonald's



| <u>REV</u> | <u>DATE</u> | <u>DESCRIPTION</u>        | <u>BV</u> |
|------------|-------------|---------------------------|-----------|
| 1          | 5/5/2012    | SHIFTED COOLER ADDITION   | EGB       |
| 2          | 8/18/2012   | ADDED LANDSCAPING         | AHP       |
| 3          | 7/7/2016    | RELOCATED TRASH ENCLOSURE | DJA       |
|            |             |                           |           |
|            |             |                           |           |
|            |             |                           |           |
|            |             |                           |           |





Proposed Location

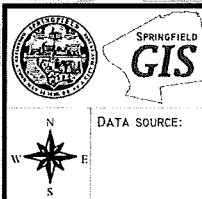
Sullivan St

Liberty St

Stafford St

Armory St

Attachment: Liberty\_St\_660\_2016 (3608 : 660 Liberty Street)



City of Springfield, Massachusetts

DATA SOURCE:

660 Liberty Street



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3609)**

Meeting: 08/15/16 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3609

**To Amend an Existing Special Permit (Non-Conforming Structure), Granted May 23, 2016, by Allowing a Change in the Approved Plan, at the Property Known as 437 Bay Street (01085-0371), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.**

|             |                              |
|-------------|------------------------------|
| Request:    | See Above                    |
| Owner:      | All Nations Church of God    |
| By:         | Doyle St. Louis              |
| Petitioner: | Better Homes Properties, LLC |
| By:         | Thomas P. Kegelman           |

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

to amend an existing special permit (non-conforming structure), granted May 23, 2016, by allowing a change in the approved plan, at the property known as 437 Bay Street (01085-0371), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

**Mailing Address:**

PO Box 90248  
 Springfield, MA 01139

**Owner:**

**All Nation Church of God**

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

BY: 

Doyle St. Louis

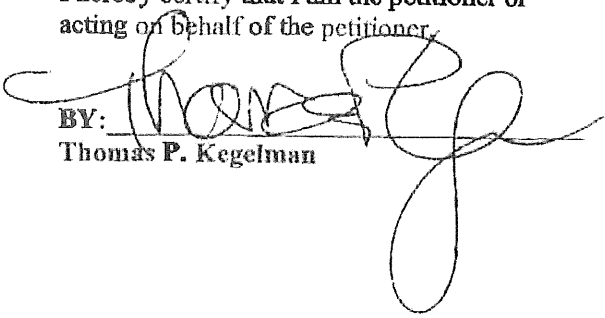
**Mailing Address:**

5 Northampton Street  
 Springfield, MA 01109

**Petitioner:**

**Better Homes Properties, LLC**

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

BY: 

Thomas P. Kegelman

Attachment: 437\_Bay\_St\_Tax\_Formal (3609 : 437 Bay Street)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

07/08/2016

## 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 : 437 BAY STREET  
Petitioner: BETTER HOMES PROPERTIES, LLC  
LandLord: ALL NATION CHURCH OF GOD

Stephen J. Loneragan: Treasurer/Collector

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

---

**437 BAY STREET (01085-0371)  
AMEND AN EXISTING SPECIAL PERMIT  
(RE-ESTABLISH A PRE-EXISTING, NON-CONFORMING STRUCTURE)**

*General Information*

|                                                       |                                                                                                    |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Better Homes Properties, LLC                                                                       |
| <b>Request:</b>                                       | Amend an existing special permit, granted May 23, 2016, by allowing a change to the approved plan. |
| <b>Proposed use of the property:</b>                  | Office                                                                                             |
| <b>Parcel Size:</b>                                   | 18,206 s.f.                                                                                        |
| <b>Compatibility with current planning documents:</b> | The Bay Neighborhood Plan shows no changes to this area.                                           |
| <b>Neighborhood council notification:</b>             | Bay Area Neighborhood Council: 7-21-16                                                             |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                                                                |
| <b>Site Visit:</b>                                    | 7-28-16                                                                                            |
| <b>Hearing Date:</b>                                  | 8-15-16                                                                                            |

*Staff Analysis*

**Neighborhood characteristics:**

---

The property is located in the Bay neighborhood and is located in an area with primarily residential uses. The surrounding land uses includes:

- To the north is Oak Grove Cemetery zoned Residence B.
- To the south is an apartment complex zoned Residence C.
- To the east are two-family homes zoned Residence B.
- To the west is a two-family home zoned Residence C.

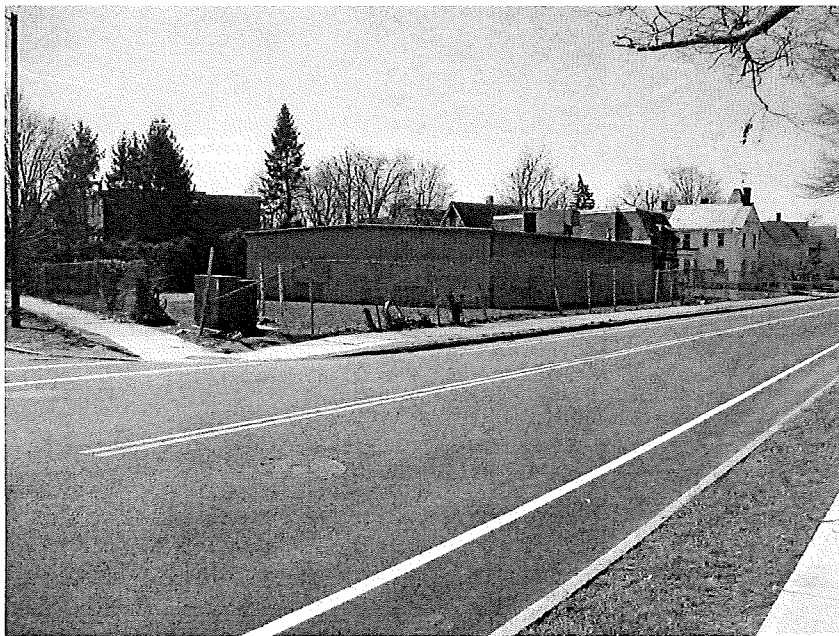
**Site plan review:**

The petitioner has requested to amend an existing special permit (non-conforming structure), granted May 23, 2016, by allowing a change to the approve plan at the property known as 437 Bay Street. The site has been vacant for a number of years and was previously used as a church and day care center. The petitioner intends to renovate the existing one-story, commercial building and use it for offices.

As noted above, this site recently was approve for a special permit to re-establish a pre-existing, non-conforming structure back in May. At that time, the petitioner submitted a plan showing that the brick portion of the building would be demolished. Due to the fact that state funding is involved in the renovation of this

building, it was required to undergo a review by the Massachusetts Historical Commission (MHC). As a result, a determination was made by MHC that this brick portion of the building had historical significance. As such, this portion of the building must now be retained.

The staff does not object to the proposed change to the approved plans. The staff does not believe that the keeping of this building is a significant change to the overall project. Additionally, as noted in the previous review, due to the fact that this property has been used for a church and day care center in the past, the staff believes that the proposed new use will actually have



less of an impact to the abutters than the previous uses. As such, the staff does not believe the proposed amendment to the special permit will have a negative effect on the direct abutters or on the neighborhood as a whole.

### Recommendation

Approve, with conditions.

### Recommended Conditions:

1. All conditions listed on the original May 23, 2016 special permit shall remain in effect, except for approved amendment to the existing site plan (see attached).
2. 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

07/08/2016

## 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 : 437 BAY STREET  
Petitioner: BETTER HOMES PROPERTIES, LLC  
LandLord: ALL NATION CHURCH OF GOD

Stephen J. Loneragan: Treasurer/Collector

Attachment: Bay\_St\_437\_Amend\_2016 (3609 : 437 Bay Street)

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE  
CITY OF SPRINGFIELD  
MASSACHUSETTS

**TO:** **DATE:** June 16, 2016  
**DEPARTMENT:** **FROM:** Anthony I Wilson, Esq.  
**COPIES TO:** **DEPARTMENT:** City Clerk

**SUBJECT: 437 Bay Street**

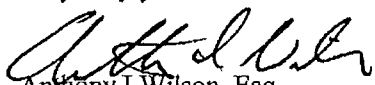
This is to inform you that at a meeting of the City Council held on May 23, 2016 it was voted by the City Council according to law to grant a special permit to Owner: All Nation Church of God By: Doyle St. Louis and Petitioner: Better Homes Properties, LLC By: Thomas P. Kegelmann for the re-establishment of a pre-existing, non-conforming structure at the property known as **437 Bay Street** (01085-0371) as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42 with the following conditions:

1. This special permit is granted to this petitioner only and to any "affiliate" of Better Homes Properties, LLC defined as a legal entity in which Better Homes Properties, LLC or Better Homes, Inc. has an ownership interest.
2. This special permit is granted for the re-establishment of a pre-existing, non-conforming structure at the property known as 437 Bay Street (01085-0371).
3. The use shall be developed as per the attached site plans and elevations, with the addition of conditions #4 and #11.
4. The use shall be limited to an office use; accessory to the petitioner's real estate management company.
5. There shall be no heavy equipment stored at this location.
6. All landscaping shall be installed as per the attached plans. Landscaping shall include a five (5) wide, landscape buffer along all sides of the property that abut a residential zoning district.
7. The existing chain link fencing along Bay Street and Oak Grove Avenue shall be removed. Any new fencing along Bay Street and/or Oak Grove Avenue shall be limited to four (4) feet in height.
8. All landscaped areas shall be maintained and kept free of all overgrown vegetation, trash, litter or debris.
9. The building shall be maintained graffiti free.
10. The public sidewalks along Bay Street and Oak Grove Avenue shall be maintained, including snow removal.
11. 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, may be required. This approval, if required, must be obtained prior to the issuance of a Building Permit.
12. 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.

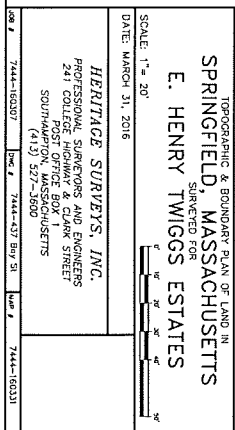
**REASONS:** (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. (4.) To incorporate the Planning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

This permit becomes effective on June 16, 2016

Very truly yours

  
Anthony I Wilson, Esq.  
City Clerk  
AIW/laf

Attachment: Bay\_St\_437\_Amend\_2016 (3609 : 437 Bay Street)



UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON SURFACE FEATURES AS LOCATED BY SURVEY AND AVAILABLE RECORD DATA, AND ARE APPROXIMATE. ACTUAL LOCATIONS SHOULD BE VERIFIED WITH THE APPROPRIATE UTILITY COMPANY AND/OR MUNICIPAL DEPARTMENT PRIOR TO FINAL DESIGN AND/OR CONSTRUCTION.

55-1

Proposed Location

Bay St

Oak Grove Av

Cambridge St



SPRINGFIELD  
GIS

City of Springfield, Massachusetts



DATA SOURCE:

437 Bay Street

Attachment: Bay\_St\_437\_Amend\_2016 (3609 : 437 Bay Street)



**City Council**  
36 Court Street  
Springfield, MA 01103

Meeting: 08/15/16 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:**

|                 |                     |                           |                       |
|-----------------|---------------------|---------------------------|-----------------------|
| <b>04/25/16</b> | <b>City Council</b> | <b>REFER TO COMMITTEE</b> | <b>Next: 05/23/16</b> |
| <b>05/23/16</b> | <b>City Council</b> | <b>REFER TO COMMITTEE</b> | <b>Next: 06/27/16</b> |
| <b>06/27/16</b> | <b>City Council</b> | <b>CONTINUE</b>           |                       |

**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, 2<sup>nd</sup> 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*

---

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

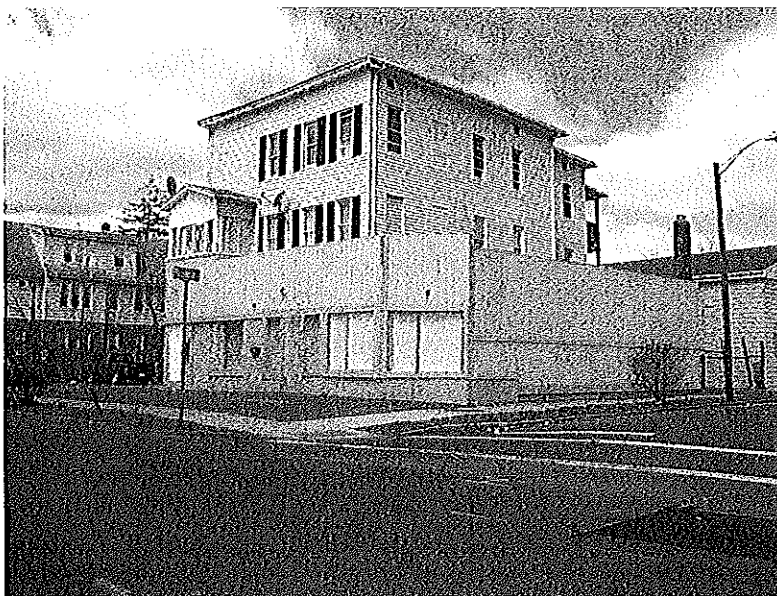
The petitioner has submitted site plans which indicate that a Spanish/American food store will be operated out of the first floor. Residential apartments are located on the second and third floors, however, it is unclear

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.

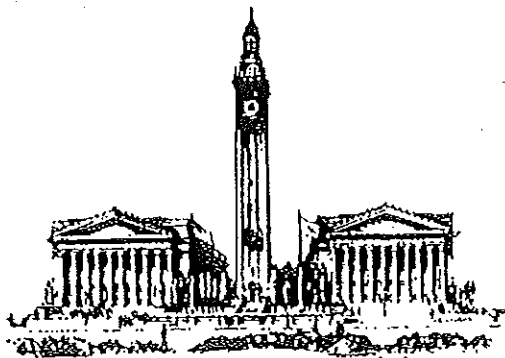


*Recommendation*

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

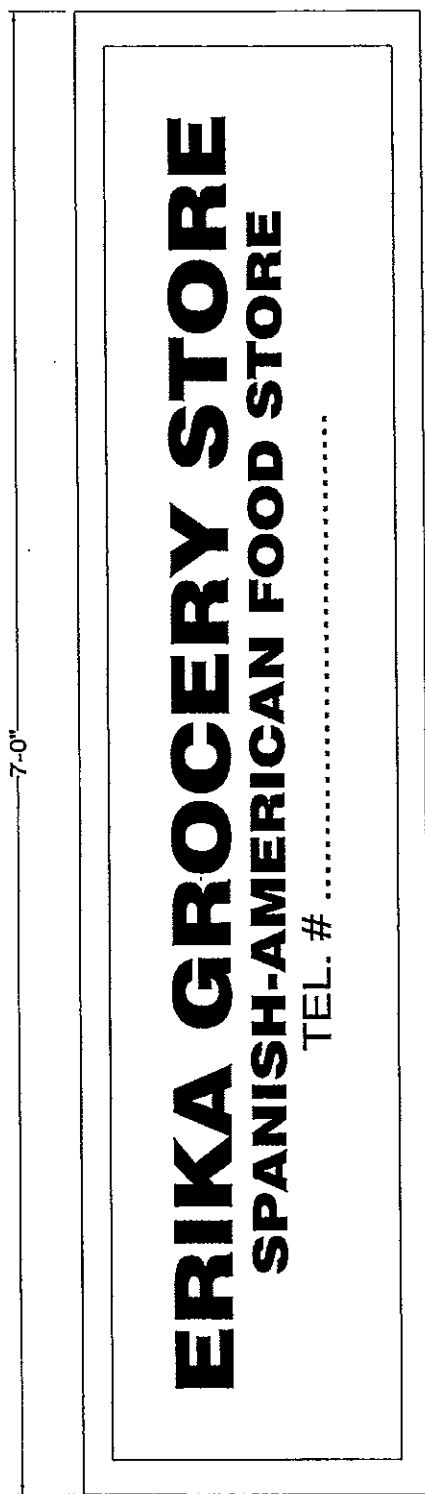
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 234 ORANGE STREET  
Petitioner : ERICA NUNEZ.  
Landlord : ANA DAVILA

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

Stephen J. Lonergan: Treasurer/Collector

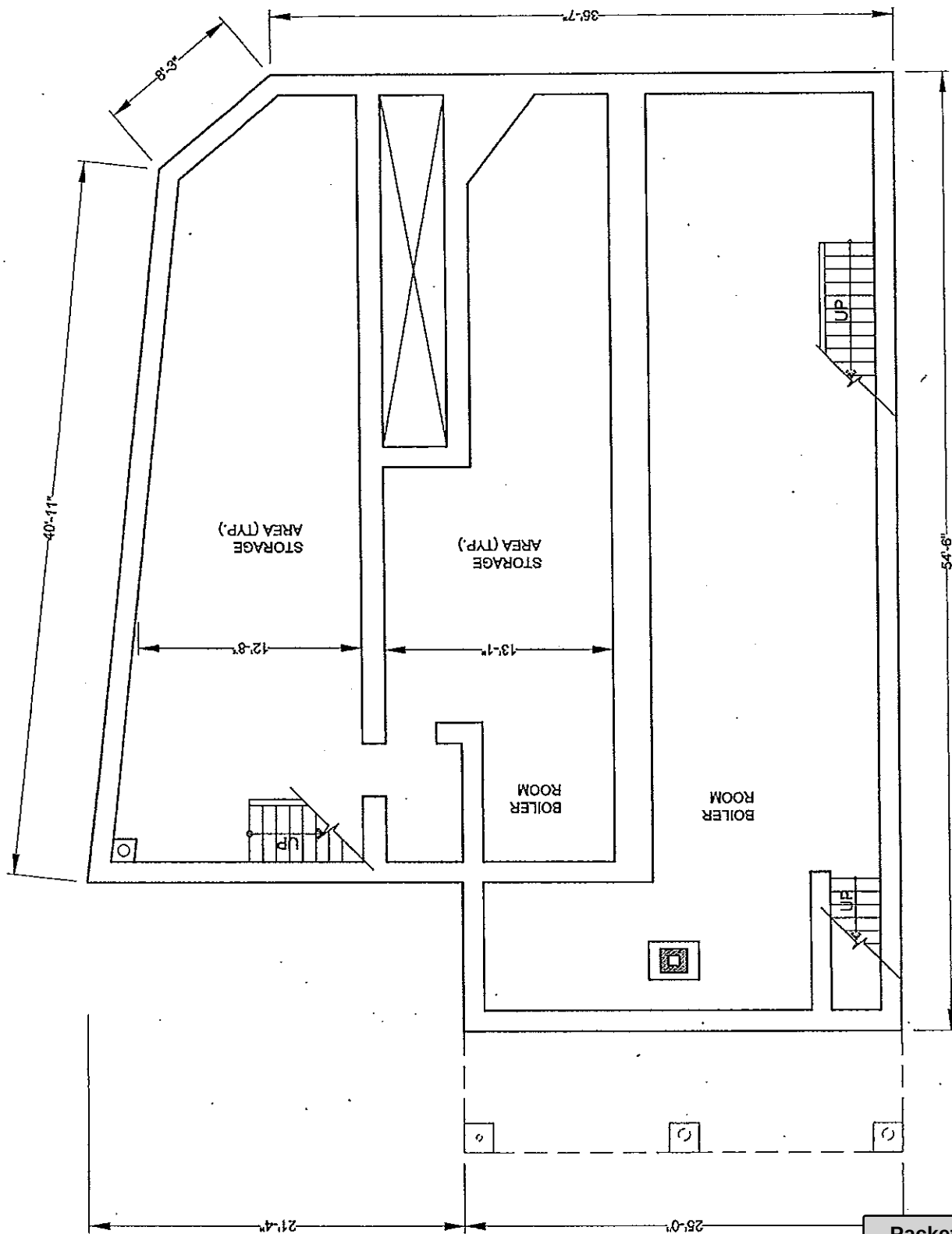
Attachment: Orange St 232 2016 (3450 : 232 Orange Street)

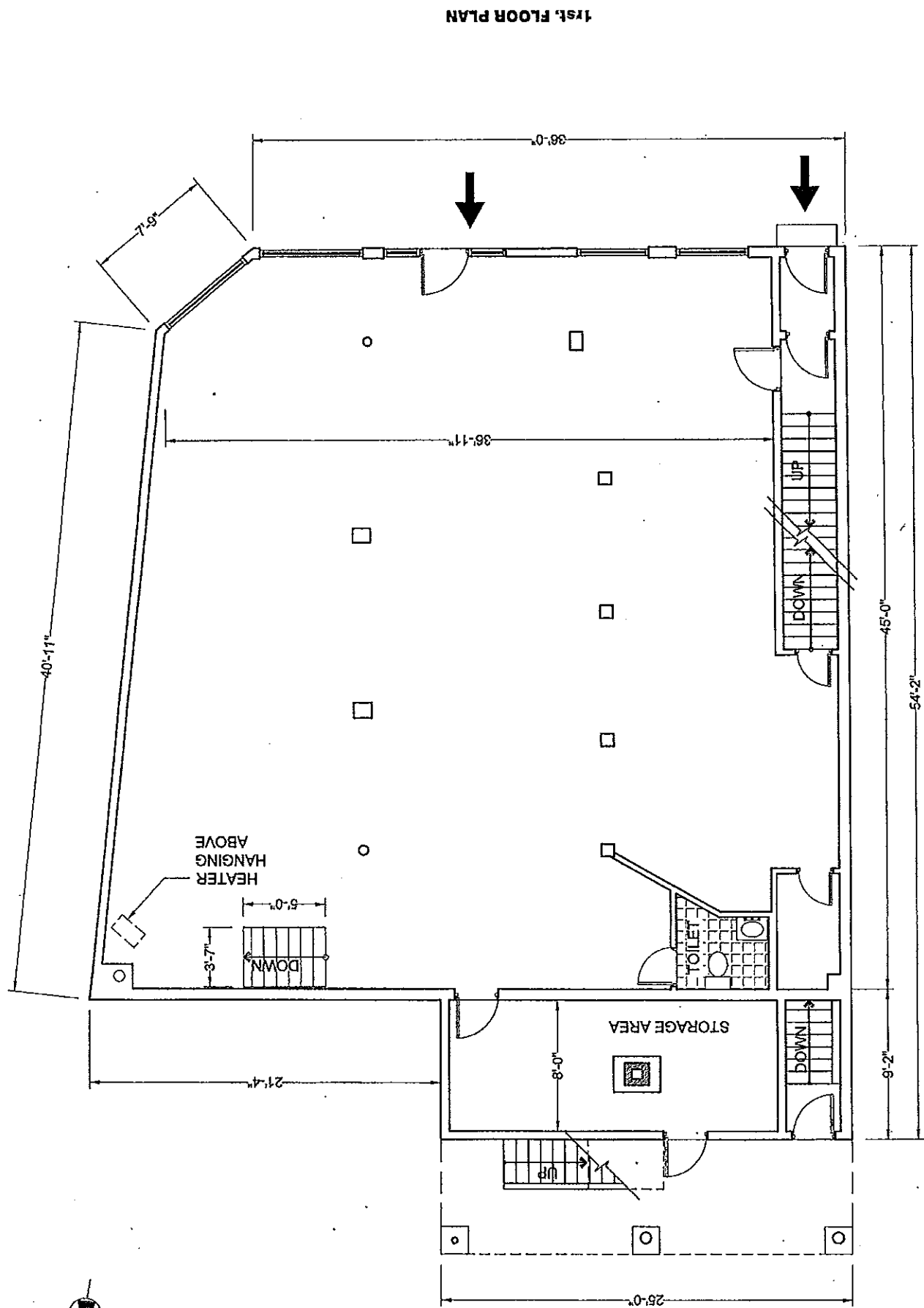


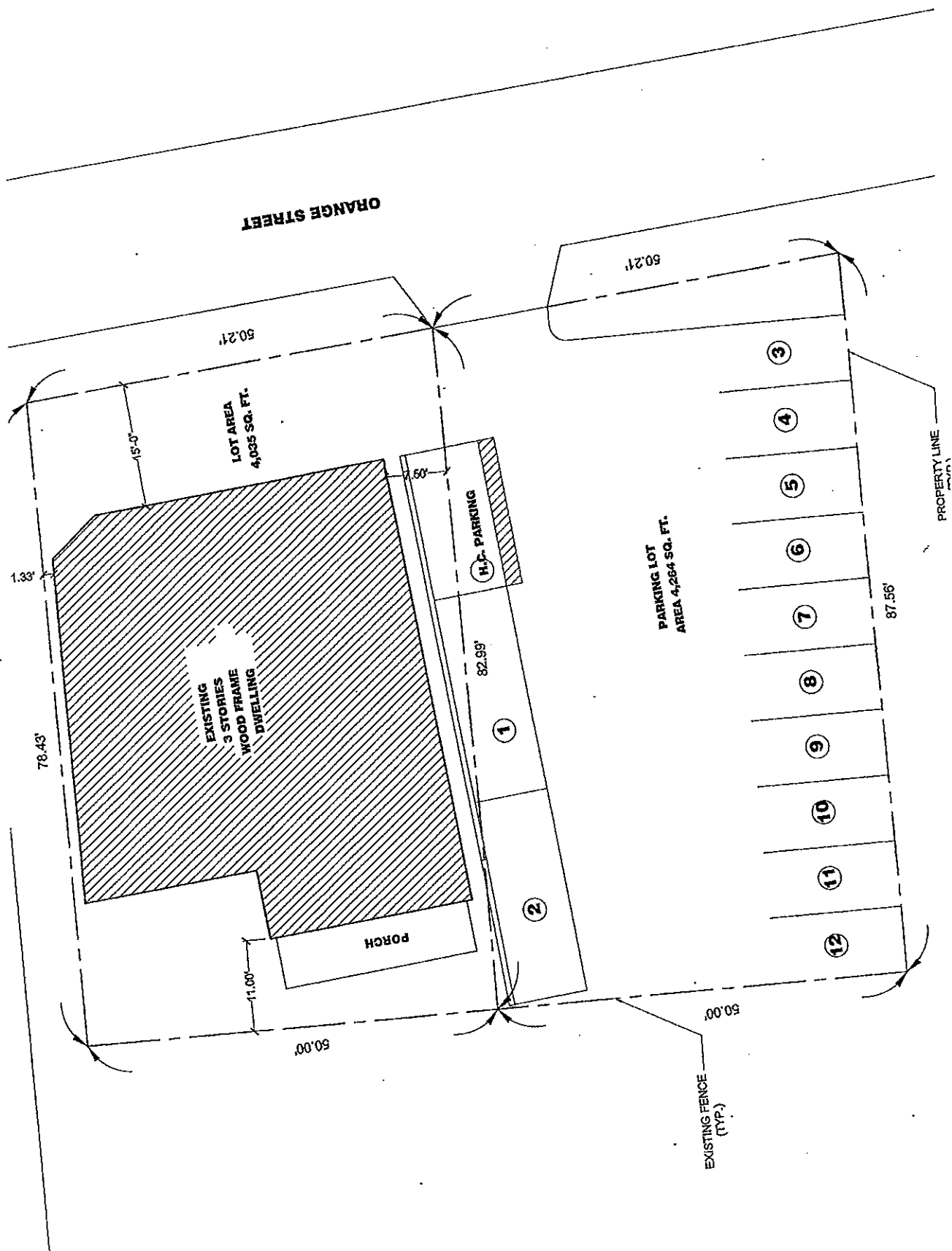
**SIGN PLAN**

|                                                                                                              |  |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------|
| <b>PROPOSED STORE SIGN</b><br>SCALE: 1/8" = 1'-0"<br>DATE: 12/15/2016<br>DRAWN BY: J. L. L.                  |  | PROJECT: ERIKA GROCERY STORE<br>ADDRESS: 232 ORANGE STREET<br>CITY: BIRMINGHAM, AL 35202<br>CLIENT: J. L. L. |
| PROJECT: ERIKA GROCERY STORE<br>ADDRESS: 232 ORANGE STREET<br>CITY: BIRMINGHAM, AL 35202<br>CLIENT: J. L. L. |  | PROJECT: ERIKA GROCERY STORE<br>ADDRESS: 232 ORANGE STREET<br>CITY: BIRMINGHAM, AL 35202<br>CLIENT: J. L. L. |

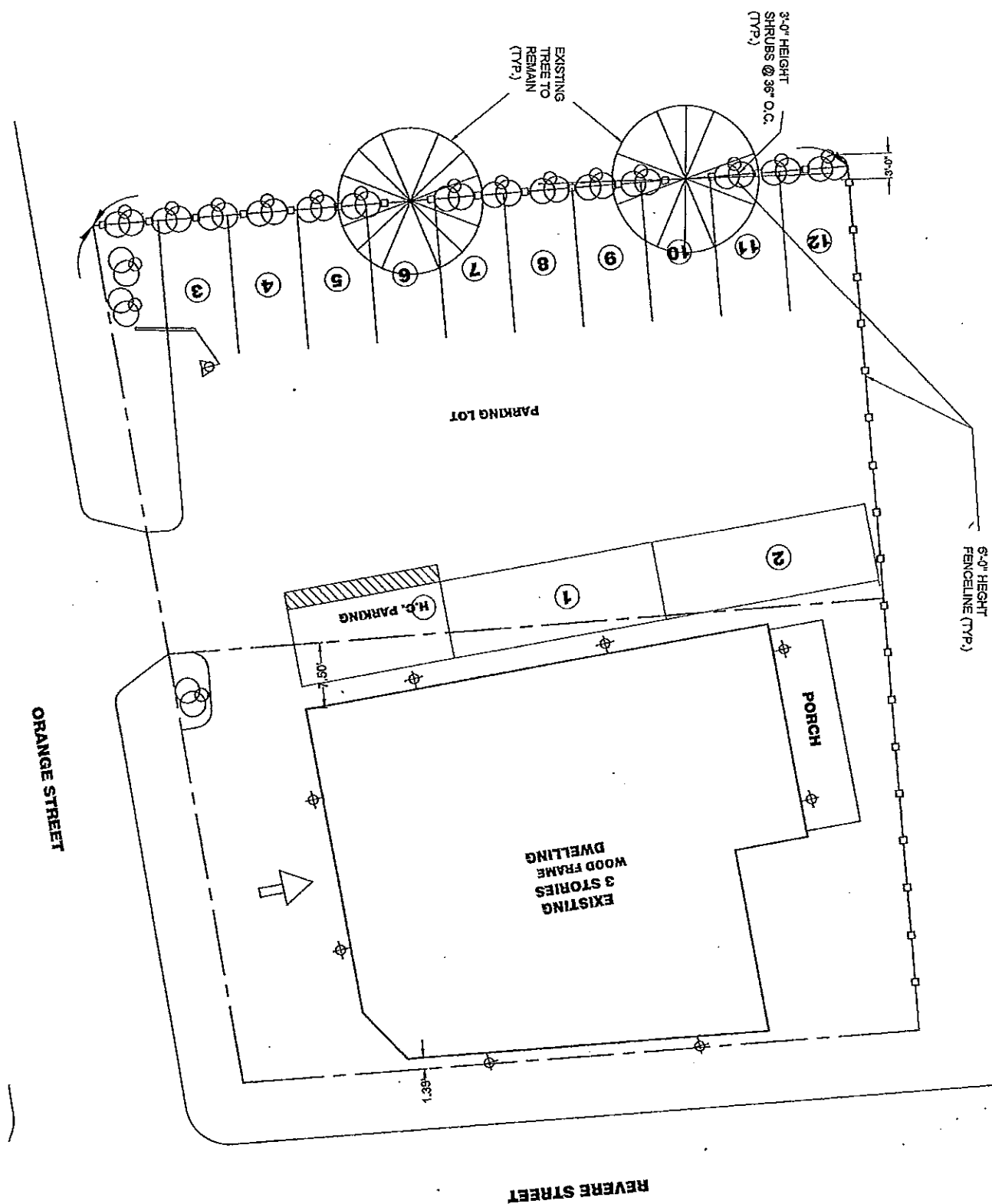
## BASEMENT FLOOR PLAN

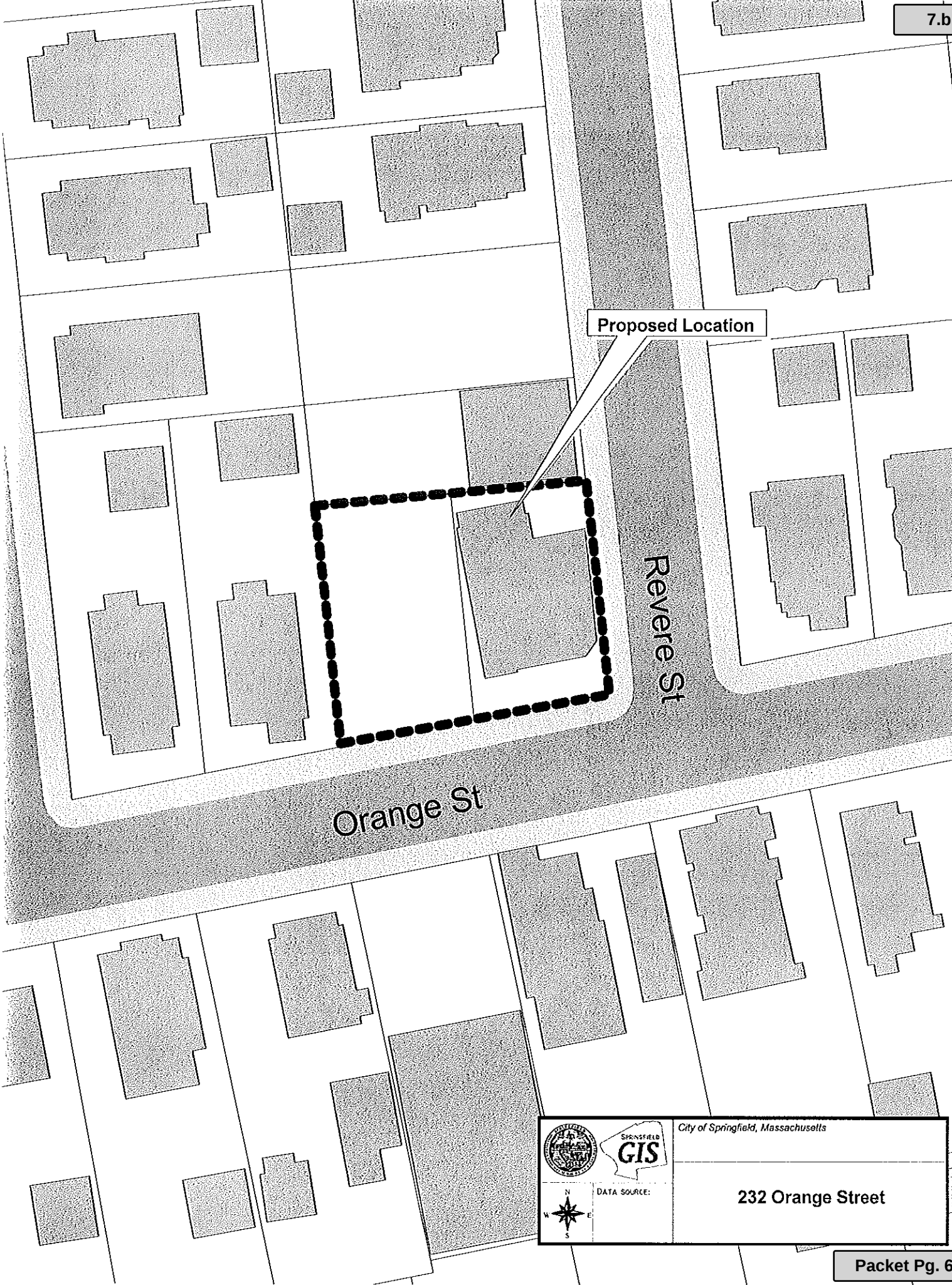






Attachment: Orange St 232\_2016 (3450 : 232 Orange Street)





Attachment: Orange\_St\_232\_2016 (3450 : 232 Orange Street)

|                                                                                                           |                                    |
|-----------------------------------------------------------------------------------------------------------|------------------------------------|
| <br>SPRINGFIELD<br>GIS | City of Springfield, Massachusetts |
|                                                                                                           | 232 Orange Street                  |
| DATA SOURCE:                                                                                              |                                    |



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3558)**

Meeting: 08/15/16 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3558

**For a Special Permit to Operate a Drive-Up Service Window  
at the Property Known as 1809 (A.K.A. 1811) Boston Road  
(01655-0388), as Allowed by M.G.L. and the Springfield  
Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).**

|             |                              |
|-------------|------------------------------|
| Request:    | See Above                    |
| Owner:      | Realty Income Corporation    |
| By:         | David Panella                |
| Petitioner: | Friendly' s Restaurants, LLC |
| By:         | David Panella                |

**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 as 1809 (a.k.a. 1811) Boston Road (01655-0388), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).

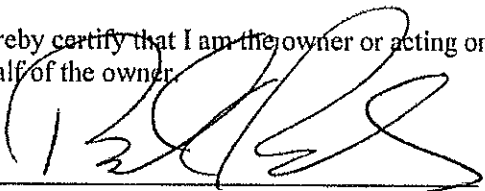
**Mailing Address:**

PO Box 460069  
 Escondido, CA 92046

**Owner:**

**Realty Income Corporation**

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

BY: 

David Panella

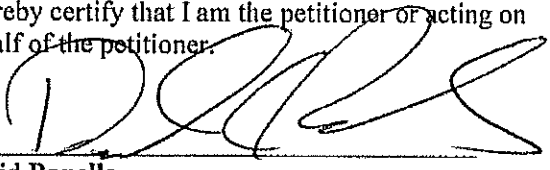
**Mailing Address:**

1855 Boston Road  
 Wilbraham, MA 01095

**Petitioner:**

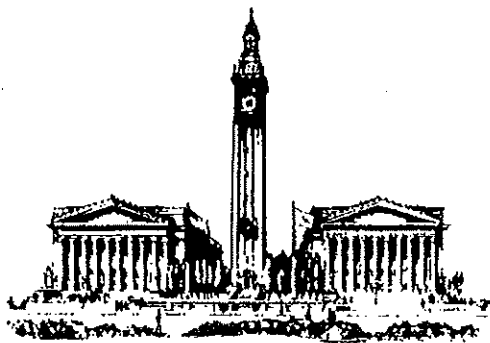
**Friendly's Restaurants, LLC**

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

BY: 

David Panella

Attachment: Boston\_Rd\_1809\_Tax\_Formal (3558 : 1809 (A.K.A. 1811) Boston Road)



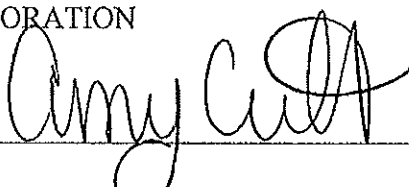
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

06/14/2016

**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 : 1811 BOSTON ROAD  
Petitioner: FRIENDLY'S ICE CREAM, LLC  
LandLord: REALTY INCOME CORPORATION

 Assistant Treasurer

Stephen J. Lonergan: Treasurer/Collector

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

---

**1809 (a.k.a. 1811) Boston Road**  
**DRIVE-UP SERVICE WINDOW**

*General Information*

---

|                                                       |                                                                  |
|-------------------------------------------------------|------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Friendly's Restaurants, LLC.                                     |
| <b>Request:</b>                                       | Drive-up Service Window                                          |
| <b>Proposed use of the property:</b>                  | Restaurant                                                       |
| <b>Size:</b>                                          | 38,978 s.f.                                                      |
| <b>Compatibility with current planning documents:</b> | The Boston Road Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | Indian Orchard Citizens Council: 7-21-16                         |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                              |
| <b>Site Visit:</b>                                    | 7-28-16                                                          |
| <b>City Council Hearing:</b>                          | 8-15-16                                                          |

*Staff Analysis*

---

**Neighborhood characteristics:**

The property is currently zoned Business A and is located along the commercial corridor of Boston Road. The surrounding land uses include:

- To the north is a gas station and bank zoned Business A.
- To the south is the entrance to the Friendly's headquarters zoned Business A.
- To the west is a retail operation zoned Business A.
- To the east is the Wilbraham Town line and the Friendly's headquarters zoned Business A.

**Site plan review:**

The petitioner has requested a special permit to operate a drive-up service window at the property known as 1809 (a.k.a. 1811) Boston Road. This is the current site of Friendly's Restaurant.

The site is located on the border of Springfield and Wilbraham and is adjacent to the Friendly's headquarters. The petitioner has submitted plans indicating that a new drive-up service window will be installed. The proposed drive-up window will be located on the eastern side of the building. As can be seen by the attached plans, there is currently a row of parking located along this side of the building. These spaces will be moved further to the east and a new drive-up service lane will be installed.

It should be noted that there is currently an outdoor dining patio located along the front of the building. It appears that design of the drive-up window will allow this amenity to remain. While Boston Road is a highly travel commercial corridor, the staff does believe these outdoor areas provide value to the business and has consistently advocated for outdoor seating in many of the recently approved projects.

Currently, the site can be accessed from both Boston Road and Kent Road. The plans submitted do not indicate that any proposed changes to the existing curb cuts will occur with this new drive-up window. The proposed drive-up lane will also be able to be accessed from both Boston and Kent Road.



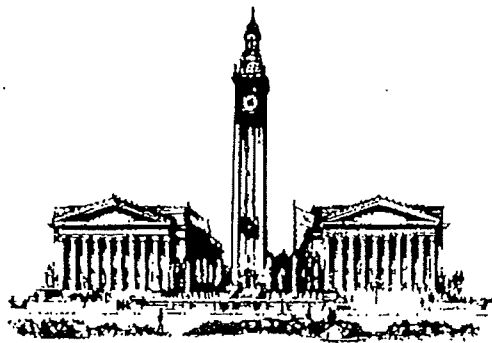
After reviewing the submitted site plans and visiting the site, the staff does not object to the proposed request. The staff believes that the proposed design allows for the new drive-up window but does not compromise the existing streetscape and also still allows for pedestrian access to the site. The staff was also very pleased how the overall site is being maintained. Overall, the staff 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 to operate a drive-up service window at the property known as 1809 (a.k.a. 1811) Boston Road (01655-0388).
3. The use shall be developed as per the attached site plans and elevations, dated June 2016, with the addition of conditions #4 through #10.
4. The public sidewalk along Boston Road shall be maintained, including snow removal.
5. Landscaping shall be installed as per the attached plans.
6. The dumpster(s) shall be completely enclosed.
7. 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.
8. There shall be no "running messages" or "flashing messages" allowed on the ground sign.
9. There shall be no additional advertising material located on any directional signage or light poles.
10. The site shall be maintained free of all weeds and trash and debris.
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.



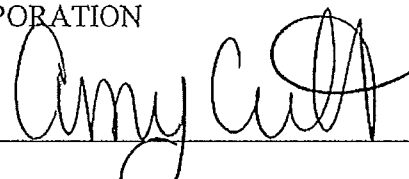
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

06/14/2016

## 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:

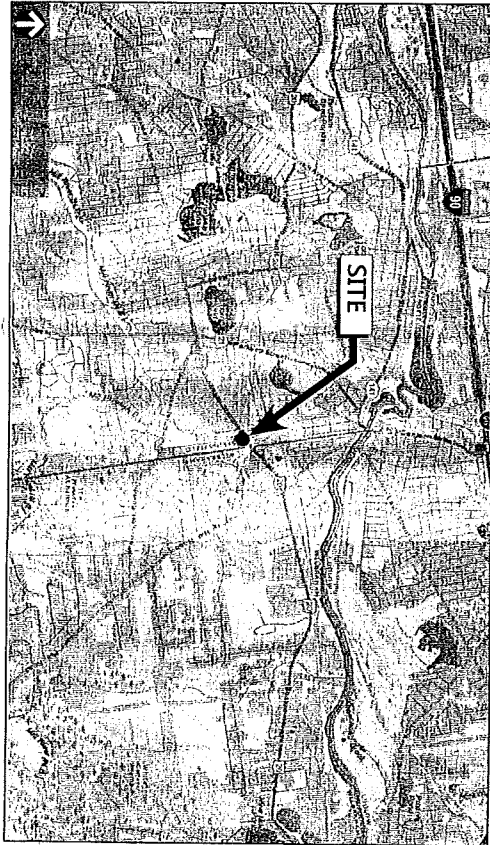
Special Permit : 1811 BOSTON ROAD  
Petitioner: FRIENDLY'S ICE CREAM , LLC  
LandLord: REALTY INCOME CORPORATION

 Assistant Treasurer

Stephen J. Lonergan: Treasurer/Collector

# Site Plans

**Friendly's  
Drive-Thru**  
1811 Boston Road  
Springfield, Massachusetts



**Owner**

Realty Income Corporation  
P.O. Box 460069  
Escondido, CA 92046

**Applicant**

Friendly's Restaurant, LLC  
1855 Boston Road  
Wilbraham, MA 01095

**Parcel ID : 016550388**

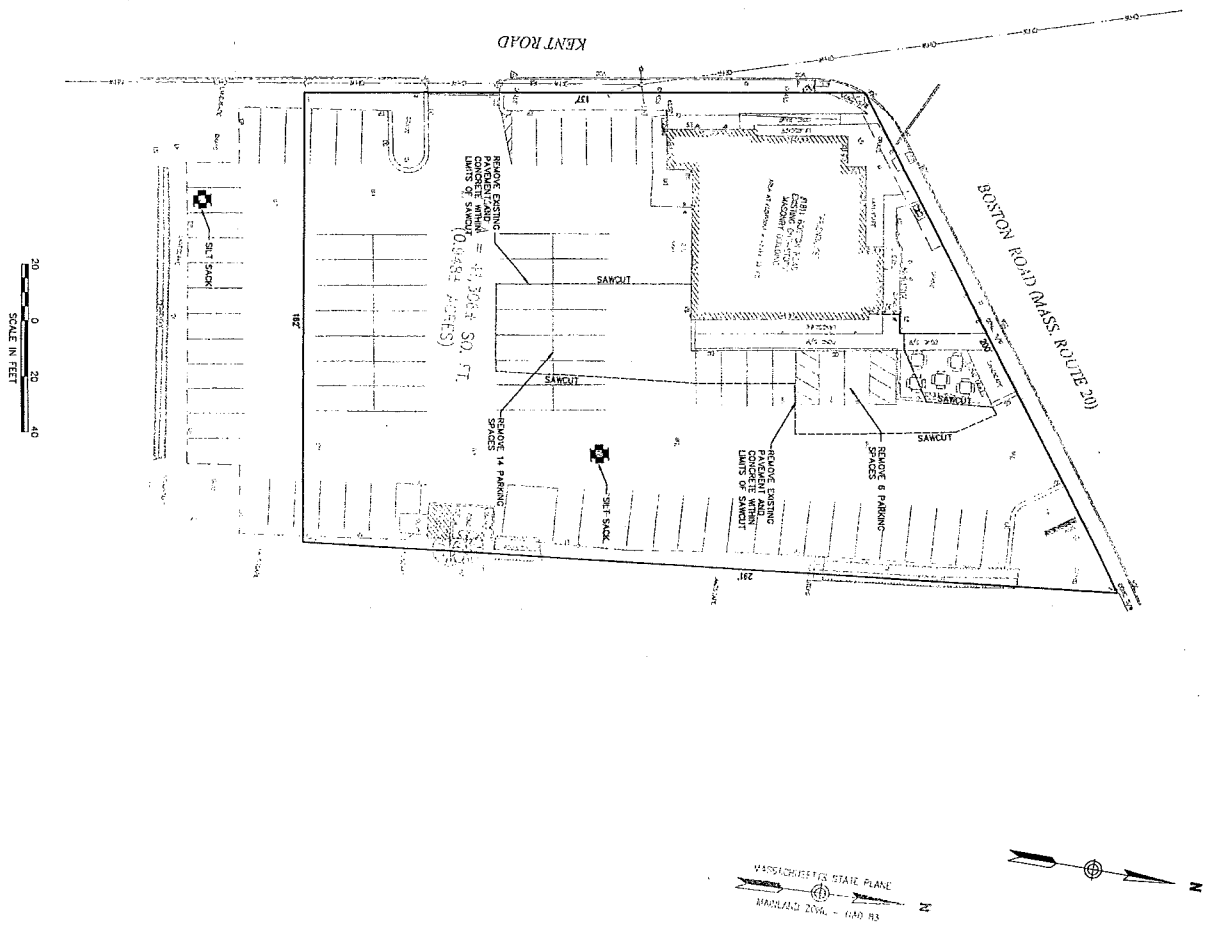
**Sheet Index**

| No.  | Drawing Title                           | Latest Issue  |
|------|-----------------------------------------|---------------|
| C-1  | Legend, Abbreviations and General Notes | June 10, 2016 |
| C-2  | Demolition and Erosion Control Plan     | June 10, 2016 |
| C-3  | Layout and Materials Plan               | June 10, 2016 |
| C-4  | Grading, Drainage and Utilities Plan    | June 10, 2016 |
| C-5  | Site Details 1                          | June 10, 2016 |
| C-6  | Site Details 2                          | June 10, 2016 |
| C-7  | Site Details 3                          | June 10, 2016 |
| EX-1 | Existing Conditions Plan                | June 10, 2016 |

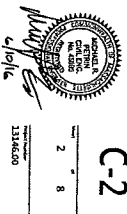
**Reference Drawings**

| No.  | Drawing Title      | Latest Issue |
|------|--------------------|--------------|
| SV-1 | Topographic Survey | 5/18/16      |
| L-1  | Planting Plan      | 5/25/16      |





Attachment: Boston\_Rd\_1809\_2016 (3558 : 1809 (A.K.A. 1811) Boston Road)



C-2

2 8

13KX600

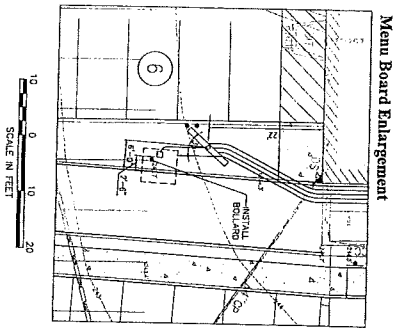
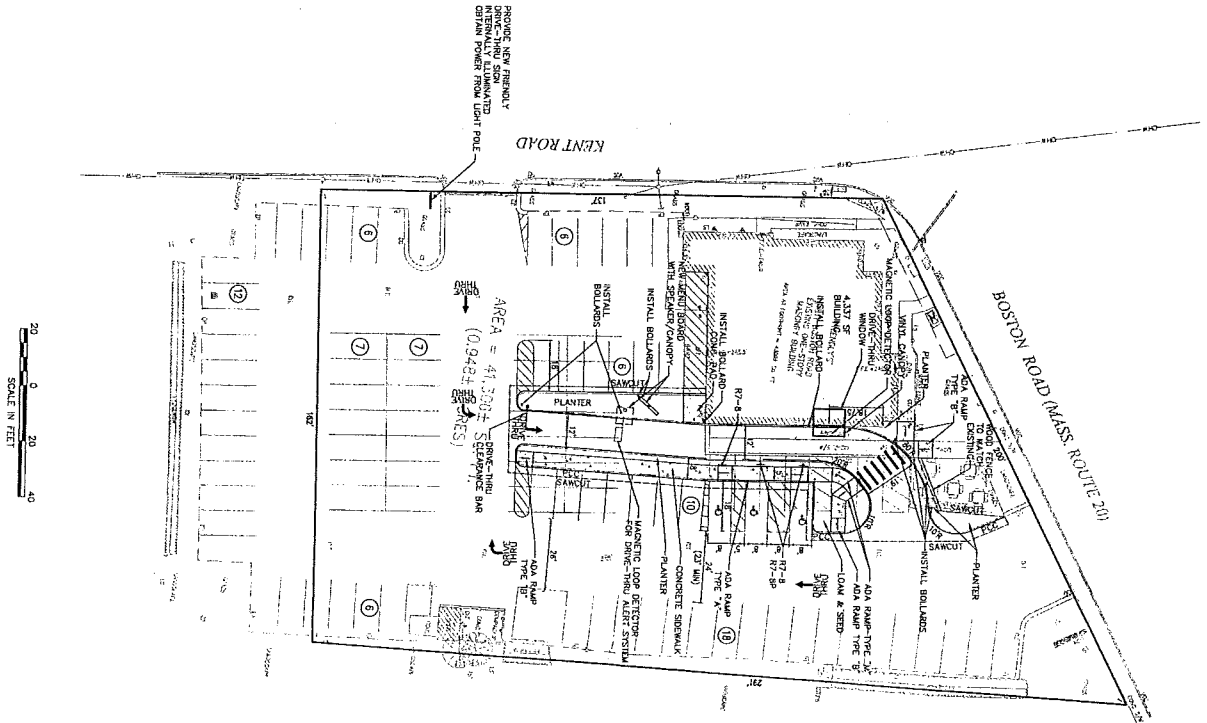
Not Approved for Construction  
Demolition and  
Erosion Control  
Plan

June 10, 2016

1811 Boston Road  
Springfield, Massachusetts

Friendly's Drive-Thru





| Parking Summary Chart    |          |        |        |        |
|--------------------------|----------|--------|--------|--------|
| Description              | Size     | Spaced | Spaced | Spaced |
| Standard Space           | 8' x 18' | 18'    | 18'    | 18'    |
| Standard Accessory Space | 8' x 18' | 18'    | 18'    | 18'    |
| Van Accessory Space      | 8' x 18' | 18'    | 18'    | 18'    |
| Truck Space              | 8' x 18' | 18'    | 18'    | 18'    |
| Handicap Space           | 8' x 18' | 18'    | 18'    | 18'    |

| Zoning Summary Chart           |            |          |  |  |
|--------------------------------|------------|----------|--|--|
| Zoning District(S):            | Business A |          |  |  |
| Overlay District(s):           | None       |          |  |  |
| Zoning Regulation Requirements | Required   | Provided |  |  |
| MINIMUM LOT AREA               | None       | 46400 SF |  |  |
| MINIMUM BUILDING FOOTPRINT     | None       | 20000 SF |  |  |
| MINIMUM BUILDING HEIGHT        | 15' MIN    | 15' MIN  |  |  |
| MINIMUM BUILDING COVERAGE      | 5' MIN     | 80' MIN  |  |  |
| MINIMUM BUILDING SETBACK       | 5' MIN     | 120' MIN |  |  |
| MINIMUM BUILDING SETBACK       | 60' MIN    | 25' MIN  |  |  |
| MINIMUM BUILDING COVERAGE      | 75 %       | 11 %     |  |  |

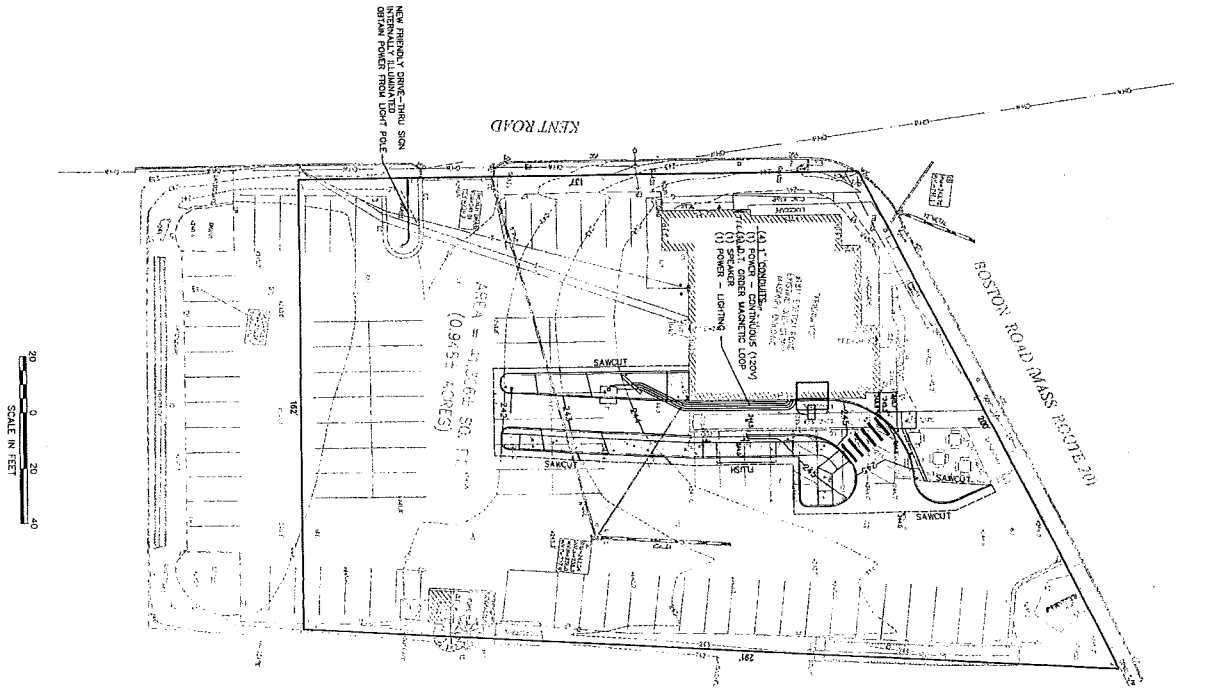
| Sign Summary |               |          |       |       |
|--------------|---------------|----------|-------|-------|
| Material     | Specification | Quantity | Notes | Notes |
| RT-4         | 12" x 18"     | 1        |       |       |
| RT-4         | 12" x 18"     | 1        |       |       |
| RT-4         | 12" x 18"     | 1        |       |       |



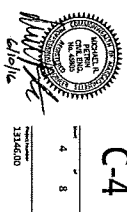
**Friendly's Drive-Thru**  
1811 Boston Road  
Springfield, Massachusetts

Not Approved for Construction  
Layout and Materials Plan  
June 10, 2016

C-3  
3 8  
6/10/16  
2134630



MASSACHUSETTS STATE PLANE  
MARIAND ZONE - 114N 43



C-4

1334620

4' 8"

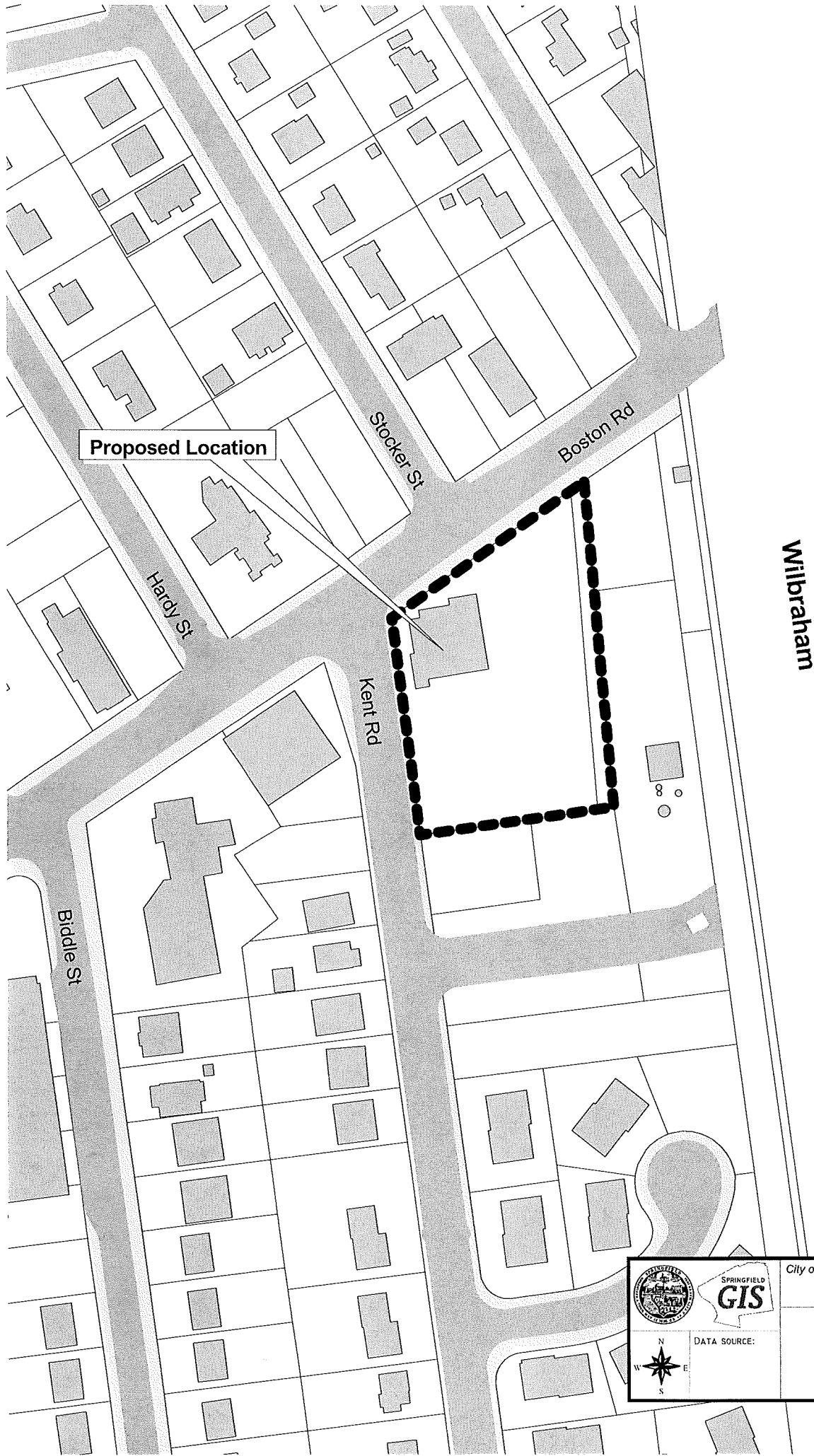
Not Approved for Construction  
Grading, Drainage  
and Utilities  
Plan

June 10, 2016

Friendly's Drive-Thru  
1811 Boston Road  
Springfield, Massachusetts







Proposed Location

Stocker St

Boston Rd

Hardy St

Kent Rd

Biddle St

Wilbraham



SPRINGFIELD  
**GIS**

City of Springfield, Massachusetts



DATA SOURCE:

1809 Boston Road

Attachment: Boston\_Rd\_1809\_2016 (3558 : 1809 (A.K.A. 1811) Boston Road)



**City Council**  
36 Court Street  
Springfield, MA 01103

**SCHEDULED**

**PETITION (ID # 3615)**

Meeting: 08/15/16 07:00 PM  
Department: Department of Public Works  
Category: General  
Prepared By: Hector Velez  
Initiator: Hector Velez  
Sponsors: Mayor Domenic J. Sarno  
DOC ID: 3615

## **Dickinson Street**

CITY OF SPRINGFIELD, MASSACHUSETTS

Date: August 10, 2016

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD:

The Board of Public Works, to which was referred the petition #6238 of Everesource Electric Company dated July 19, 2016 to install a new mid- span pole in front of #1100 Dickinson Street. One new pole will be install west side of Dickinson Street, to be located on the tree belt approximately 32 feet southerly from existing driveway. The purpose of the mid span pole is to provide power to cellular tower antenna and service to building on 1100 Dickinson Street, all as substantially shown on a plan attached, referred to numbered #6238, which is incorporated herein by reference and to lay and maintain underground lateral, cables and wires in the above or intersecting public ways for the purpose of making connections with the pole as it may desire for distributing purposes, reports thereon as follows:

By virtue of Chapter 708 of the Acts of 1977 the Board of Public Works held the hearing on the above matter provided for in Section 22 of Chapter 166 of the General Laws. The hearing was held on August 10, 2016 at 5:15 P.M. in front of 1100 Dickinson Street Springfield, MA. Two (2) members of the Board and two (2) persons interested in the matter were present. Of the latter, two (2) voted in favor of and no-one (0) voted against.

The Board finds the request necessary in order to provide service to Sinai Temple and power the cellular tower antenna.

After careful consideration, the Board recommends the petition be granted provided:

That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.

That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.

That care be taken during said construction not to damage any underground services.

That the construction site be returned to the same condition as found or better.

Said company shall indemnify and save harmless against all damages, costs and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

In addition said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars (\$10,000) conditioned for faithful performance of its duties under this permit.

Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits and wires.

That any sidewalks that are damaged or removed will be replaced in kind and in accordance with the City of Springfield's Standard Specifications.

That ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.

That any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.

That due care be exercised not to unnecessarily damage any public shade trees located within the construction area.

That the Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.

That all conditions set forth in the respective order are complied with.

\_\_\_\_\_)  
 \_\_\_\_\_) BOARD OF PUBLIC WORKS  
 \_\_\_\_\_)

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

**DATE:** July 27, 2016

**TO:** Anthony I Wilson, Esq.  
City Clerk

**FROM:** Hector Velez, DPW Engineer  
on behalf of BPW

**DEPARTMENT:** City Clerk Office

**SUBJECT:** Board's agenda for:  
**August 10, 2016**

**NOTICE OF MEETING**

**Wednesday, August 10, 2016** – In front of 1100 Dickinson Street (Sinai Temple), Springfield, MA at 5:00 P.M

Minutes of Previous Meeting  
Communications  
Old Business

EVERESOURCE

New Business: 1100 Dickinson Street.

**HEARING RE:** To install new joint mid-span pole to  
provide power to new service.

Attachment: 8-10-2016 notice of meeting #6238 (3615 : Dickinson Street)

