



CITY COUNCIL

City Clerk's Office 9/21/2016 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 **Tuesday evening September 27, 2016** at 07:00 PM according to Section 12, Rules and Orders of the City Council.

City Clerk

Hearings

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

Moment of Silence - Pledge of Allegiance

Special Permits

- (1.) 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)

- (2.) For a Special Permit for Motor Vehicle Painting And/Or Body Work (Auto Body Shop), at the Property Known as 784 Bay Street (01085-0091), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Request: See Above
Owner: Joseph A. Whitton Properties, LLC
By: Barbara A. Choiniere
Petitioner: Argenis Ramos
By: Argenis Ramos

ATTACHMENTS:

- 784_Bay_St_Tax_Formal (PDF)
- Bay_St_784_Auto_body_2016 (PDF)

- (3.) 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)

- (4.) For a Special Permit for an Accessory Wall Sign, Located Above the First Floor at the Property Known as 300 (A.K.A. 284) Birnie Avenue (01480-0080), as Authorized by M.G.L. and the Springfield Zoning Ordinance Article 9, Section 9.8.17.

Request: See Above
Owner: Birnie Avenue, LLC
By: William Keavany
Petitioner: New England Orthopedic Surgeons
By: Anthony Rino

ATTACHMENTS:

- Birnie_Ave_300_Tax_Formal (PDF)
- Birnie_Ave_300_2016(PDF)

- (5.) For a Special Permit to Renovate and Reopen a Pre-Existing, Non-Conforming Commercial Use (Retail) at the Property Known as 64-66 Hancock Street (06250-0013), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Request: See Above
Owner: Jabir Jebir
By: Jabir Jebir
Petitioner: Jabir Jebir
By: Jabir Jebir

ATTACHMENTS:

- Hancock_St_64_66_Tax_Formal (PDF)
- Hancock_St_64-66_2016 (PDF)

Zoning Ordinances

- (6.) To Amend the Springfield Zoning Ordinance, Text Enacted, May 28, 2013, Effective August 26, 2013, by Amending: Article 2 Definition of "Buffer Planting Strip", "Lot, Corner", "Front Yard", "Rear Yard"; Article 4, Section(S) 4.3.20, Table 4-2, Table 4-4, Section 4.4.13, 4.4.20, 4.4.71(B) and 4.5.32(2); Article 5, Table 5-1, Section 5.6, 5.2.10, 5.2.80 and 5.3.20; Article 7, Section 7.1.32(C), Table 7-1, Section 7.1.53, 7.3.21, 7.4.21 and 7.4.32; Article 9, Section 9.8.22, 9.3.70 and 9.10.10; Article 11, Section 11.1.14; Article 12, Section 12.1.41 (See Attached for Full Text). City Wide - Edits/Corrections to Existing Zoning Ordinance Recommend

PETITIONER: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

ATTACHMENTS:

- 3184_City_Wide_Edits_Formal_Petition_2016 (PDF)
- 3184_Zoning_Amendments_2016_CC (PDF)



City Council
36 Court Street
Springfield, MA 01103

Meeting: 09/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3450

TABLED

PETITION (ID # 3450)

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

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

HISTORY:

04/25/16	City Council	REFER TO COMMITTEE	Next: 05/23/16
05/23/16	City Council	REFER TO COMMITTEE	Next: 06/27/16
06/27/16	City Council	CONTINUE	
08/15/16	City Council	LAY ON TABLE	Next: 09/27/16

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

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

Mailing Address:

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

Owner:

Ana Davila

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

By: Ana Davila
 Ana Davila

Mailing Address:

232 Orange Street, 2nd Floor
 Springfield, MA 01119

Petitioner:

Erica Nunez

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

By: Erica Nunez
 Erica Nunez

Attachment: Orange_St_232_Tax_Formal (3450 : 232 Orange Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/23/2016

Special Permit Tax Certification

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

Special Permit : 234 ORANGE STREET

Pettioner : ERICA NUNEZ.

Landlord : ANA DAVILA

Stephen J. Lonergan: Treasurer/Collector

Attachment: Orange_St_232_Tax_Formal (3450 : 232 Orange Street)

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

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

General Information

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

Staff Analysis

Neighborhood characteristics:

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

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

Site plan review:

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

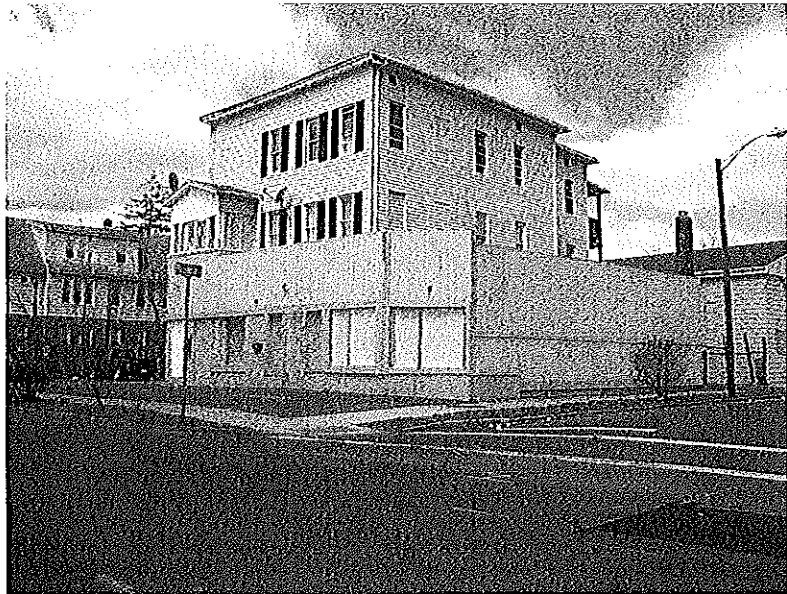
The petitioner has submitted site plans which indicate that a Spanish/American food store will be operated out of the first floor. Residential apartments are located on the second and third floors, however, it is unclear

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

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

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

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

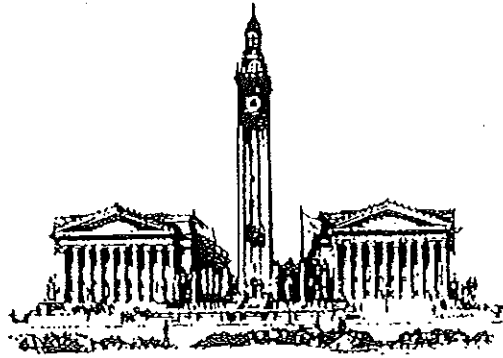


Recommendation

Approve, with conditions.

Recommended Conditions

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



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/23/2016

Special Permit Tax Certification

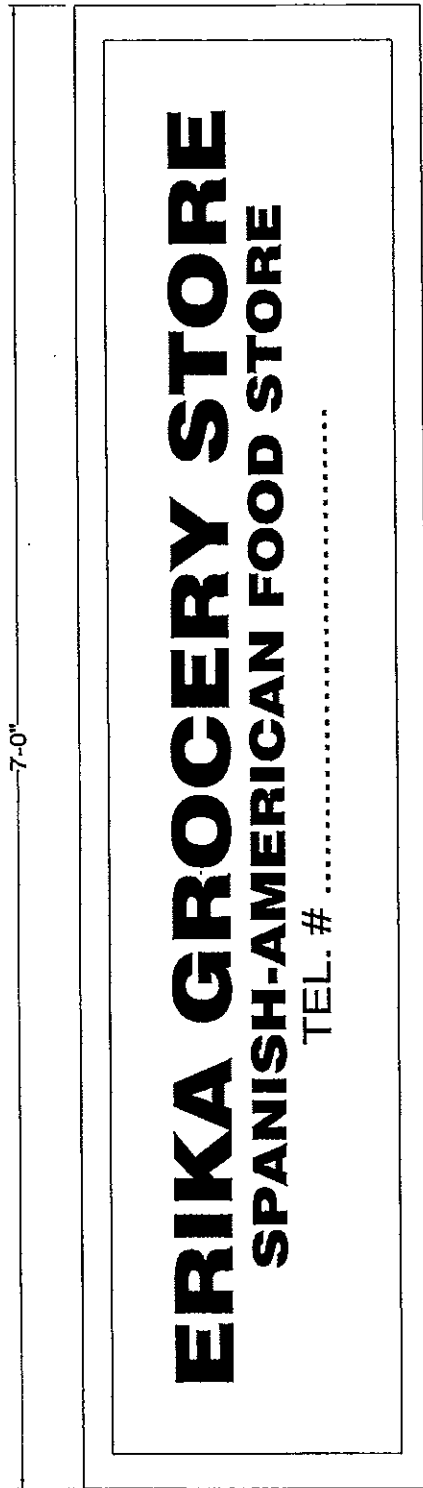
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

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

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

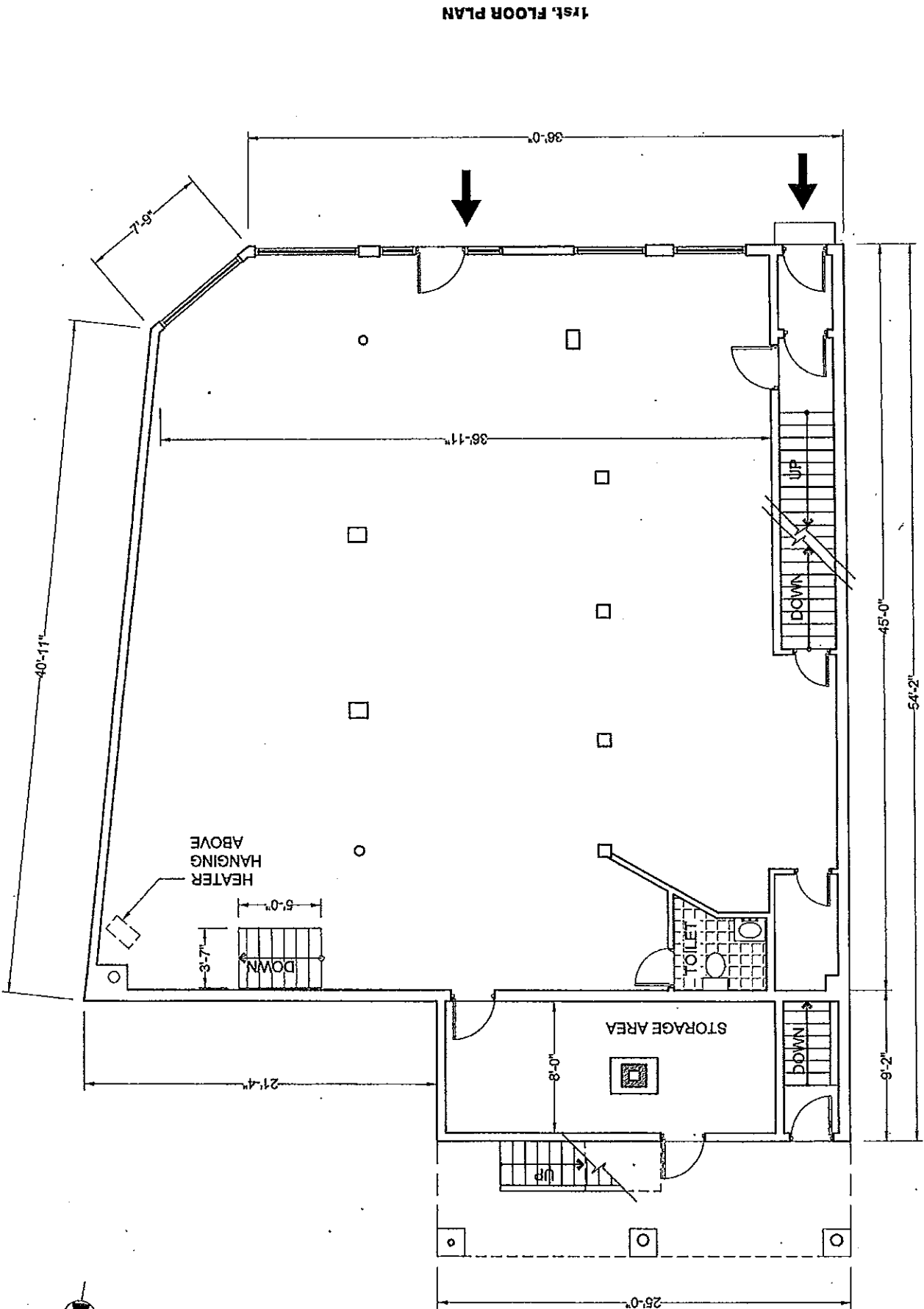
DATE	10/10/16
BY	10/10/16
PROJECT	ERIKA GROCERY STORE
ADDRESS	232 ORANGE STREET
CITY	ORANGE, CA 92667
COUNTY	SAN ORANGE
STATE	CA

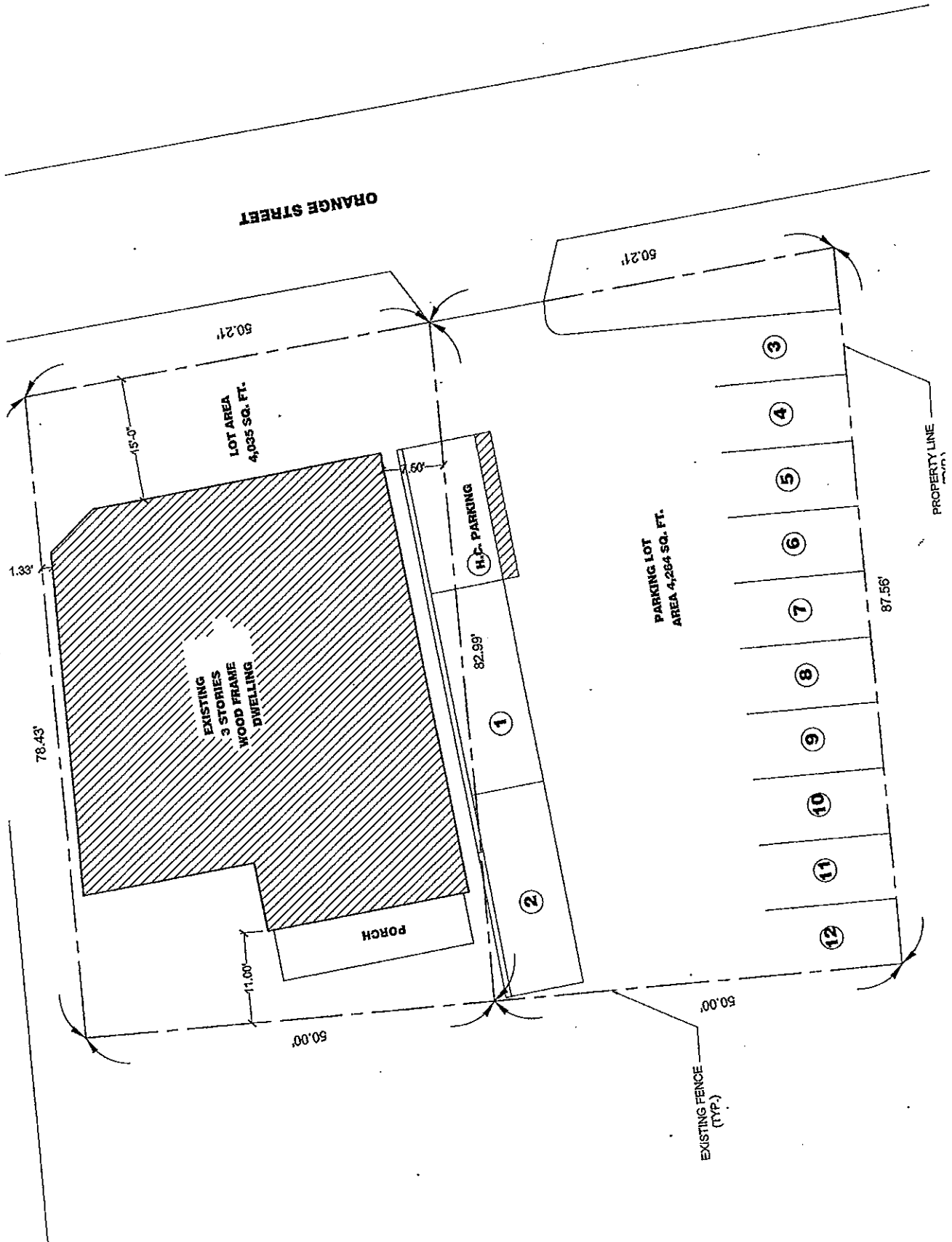
PROJECT	ERIKA GROCERY STORE
ADDRESS	232 ORANGE STREET
CITY	ORANGE, CA 92667
COUNTY	SAN ORANGE
STATE	CA

DATE	10/10/16
BY	10/10/16
PROJECT	ERIKA GROCERY STORE
ADDRESS	232 ORANGE STREET
CITY	ORANGE, CA 92667
COUNTY	SAN ORANGE
STATE	CA

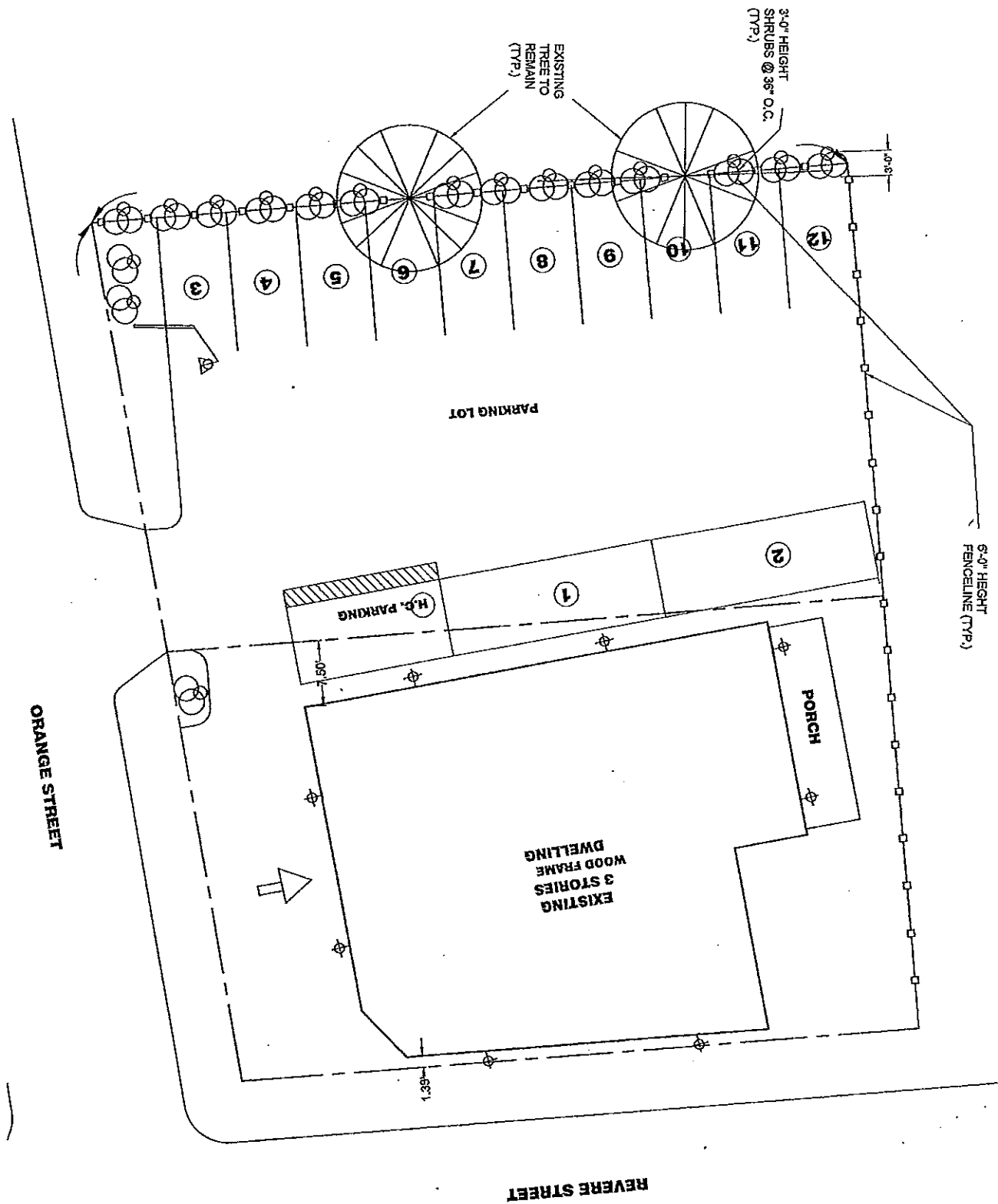
PROJECT	ERIKA GROCERY STORE
ADDRESS	232 ORANGE STREET
CITY	ORANGE, CA 92667
COUNTY	SAN ORANGE
STATE	CA

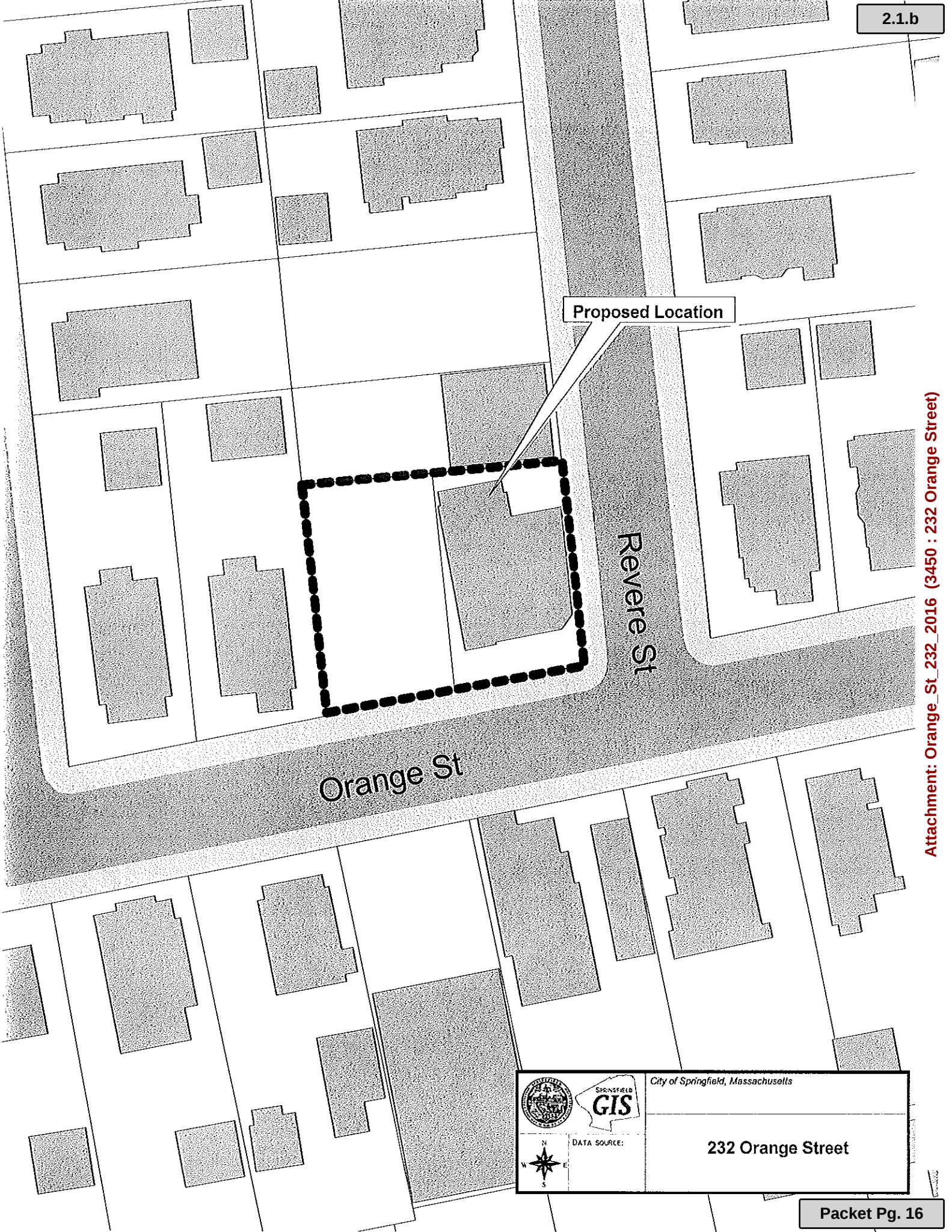
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Attachment: Orange St 232_2016 (3450 : 232 Orange Street)





Attachment: Orange_St_232_2016 (3450 : 232 Orange Street)

  	City of Springfield, Massachusetts
	232 Orange Street



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3556)

Meeting: 09/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3556

For a Special Permit for Motor Vehicle Painting And/Or Body Work (Auto Body Shop), at the Property Known as 784 Bay Street (01085-0091), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Request:	See Above
Owner:	Joseph A. Whitton Properties, LLC
By:	Barbara A. Choiniere
Petitioner:	Argenis Ramos
By:	Argenis Ramos

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

for a special permit for motor vehicle painting and/or body work (auto body shop), at the property known as 784 Bay Street (01085-0091), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Mailing Address:

229 Warren Road
 Brimfield, MA 01010

Owner:

Joseph A. Whitton Properties, L.L.C.

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

BY: Barbara A. Choiniere
Barbara A. Choiniere, Managing Partner

Mailing Address:

784 Bay Street
 Springfield, MA 01109

Petitioner:

Argenis Ramos

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

BY: Argenis Ramos
Argenis Ramos

Attachment: 784_Bay_St_Tax_Form (3556 : 784 Bay Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

4/13/2016

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 :784 BAY STREET

Petitioner: ARGENIS RAMOS

LandLord: JOSEPH A WHITTON PROPERTIES LLC

A handwritten signature in black ink, which appears to read "Stephen J. Loneragan", is written over a horizontal line. The signature is fluid and cursive.

Stephen J. Loneragan: Treasurer/Collector

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

**784 BAY STREET (01085-0091)
MOTOR VEHICLE PAINTING/BODY WORK (AUTO BODY)**

General Information

Petitioner:	Argenis Ramos
Request:	A special permit to operate an auto body shop.
Proposed use of the property:	Motor vehicle repairs, auto body and sales.
Parcel Size:	18,678 s.f.
Compatibility with current planning documents:	The Bay Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Bay Area Neighborhood Council: 6-15-16
Tax Status:	SEE ATTACHED
Site Visit:	8-30-16
Hearing Date:	9-27-16

Staff Analysis

Neighborhood characteristics:

The property is zoned Business B and is located in the Bay Neighborhood and is located in an area with primarily commercial and industrial uses.

- To the north is a warehouse operation zoned Business B.
- To the south is a restaurant zoned Business B.
- To the east is Blunt Park zoned Open Space.
- To the west is vacant land zoned Industrial A.

Site plan review:

The petitioner has requested a special permit to operate an auto body shop at the property known as 784 Bay Street. This is the current location of Bay Auto Sales. Special permits for motor vehicle repairs and used car sales were issued to this location in 2013.

As with the previous special permit request, the major concern that the staff has with this location is the need to ensure that there is adequate on-site parking for all of the uses taking place at this location. The site is located on a very busy section of Bay Street and there is no on-street parking at this location. Therefore, all of the parking for this use needs to be accommodated on-site. In order to ensure there is adequate parking, the number of used cars allowed to be sold at this location should not be increased.

Further, the staff wants to ensure that this location does not become a site for the long term storage of inoperable or junk vehicles. As per the Springfield Zoning Ordinance, a “junk yard” is defined as being a location which stores two (2) or more inoperable, wrecked or unregistered vehicle for more than thirty (30) days. Due to the fact that this property is zoned Business B, a junk yard is not permitted.

Lastly, it needs to be stressed that any and all permits required by the City as well as the state for this proposed use must be obtained prior to the start of any auto body related work.



Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted for motor vehicle painting and/or body work (auto body) at the property known as 784 Bay Street (01085-0091).
3. The use shall be developed according to the attached site plan with the addition of conditions #4 through #13.
4. There shall be no storage of automotive parts outside the building.
5. There shall be no storage of junk or inoperable vehicles located outside the building.
6. Any all and permit(s) required by the State of Massachusetts shall be obtained prior to the start of any auto body related work.
7. All work to vehicles shall take place inside the building.
8. Any and all dumpsters shall be completely enclosed.
9. The building shall be maintained free of all graffiti.
10. The site, including any and all landscaped areas, shall be maintained free of all weeds and debris.
11. The public tree belt along Bay Street shall be maintained and kept free of all litter and debris.
12. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
13. There shall be no parking of customers or employees on Bay Street.
14. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

4/13/2016

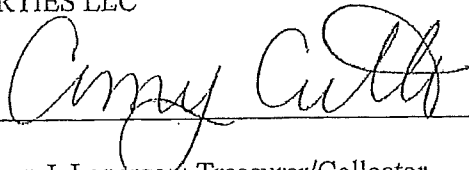
Special Permit Tax Certification

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:

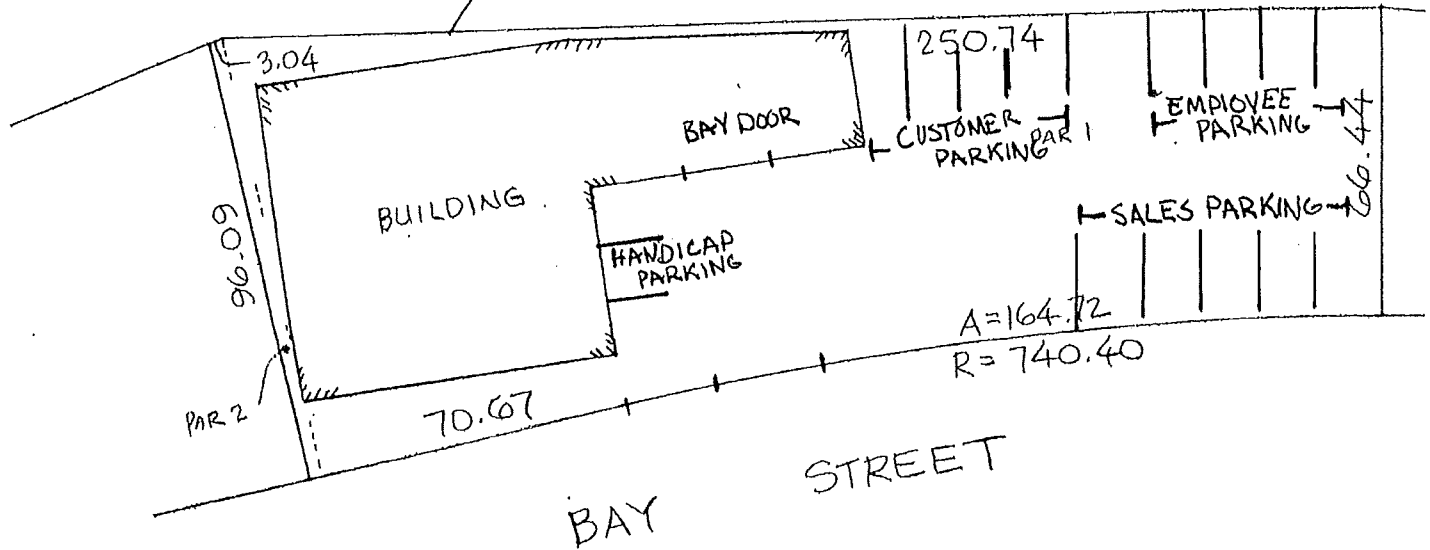
Special Permit :784 BAY STREET

Petitioner: ARGENIS RAMOS

LandLord: JOSEPH A WHITTON PROPERTIES LLC



Stephen J. Lonergan: Treasurer/Collector



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

Note:

This plat is compiled from other plans, deed dimensions and other sources of information, is not to be construed as an accurate survey, and is subject to changes as a more accurate survey may disclose.

NOTE:

THE PURPOSE OF THIS PLAN IS TO DETERMINE PHYSIC ENCUMBRANCES ON THE PROPERTY FOR USE BY LENDII INSTITUTIONS, MORTGAGE AND TITLE INSURANCE CO PANIES. IT IS BASED ON A SITE INVESTIGATION. IT IS N THE RESULT OF AN ACCURATE AND CONCLUSIVE BOUNDAY SURVEY AND IS NOT SUFFICIENT TO BE USED FOR TI LAYOUT OF PROPERTY LINES OR THE ERECTING OF FENC: BY THE OWNER.



OWNER: LILLIAN E. GREENE

PLAN OF LAND AT:

ADDRESS: 784 BAY STREET
SPFLD, MA.

SAME

TAMPDEN COUNTY BOOK OF PLANS:

DATE: FEB 2005

SCALE: 1"=40'

PAGE NO.:

LOT NO.:

DEED BOOK: 3860

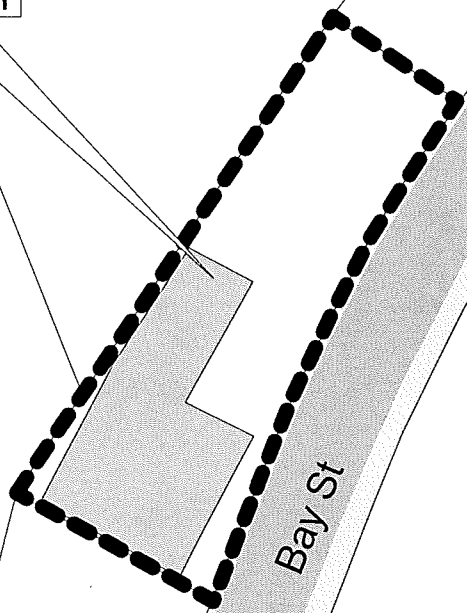
MASS. LIC. No.
31380

SMITH ASSOCIATES
SURVEYORS, INC.

PLAN No

PAGE NO.: 206

Proposed Location



Bay St

 SPRINGFIELD GIS	City of Springfield, Massachusetts
	784 Bay Street

DATA SOURCE:





City Council
36 Court Street
Springfield, MA 01103

Meeting: 09/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3571

TABLED

PETITION (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, LLC
By:	Darryl Schwartz
Petitioner:	Eduardo Infante
By:	Eduardo Infante

HISTORY:

08/15/16 **City Council**

LAY ON TABLE

Next: 09/27/16

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

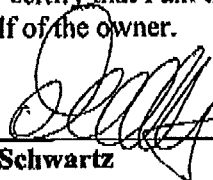
Mailing Address:

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



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 black ink, reading "Stephen J. Loneragan", is written over a horizontal line.

Stephen J. Loneragan: Treasurer/Collector

Attachment: 117_Spring_St_Tax_Formal (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

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

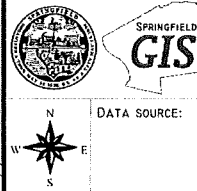
Attachment: Spring_St_117_2106 (3571 : 117 (A.K.A. 121) Spring Street)

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 # 3616)

Meeting: 09/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3616

**For a Special Permit for an Accessory Wall Sign, Located
Above the First Floor at the Property Known as 300 (A.K.A.
284) Birnie Avenue (01480-0080), as Authorized by M.G.L.
and the Springfield Zoning Ordinance Article 9, Section
9.8.17.**

Request:	See Above
Owner:	Birnie Avenue, LLC
By:	William Keavany
Petitioner:	New England Orthopedic Surgeons
By:	Anthony Rino

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

for a special permit for an accessory wall sign, located above the first floor at the property known as 300 (a.k.a. 284) Birnie Avenue (01480-0080), as authorized by M.G.L. and the Springfield Zoning Ordinance Article 9, Section 9.8.17.

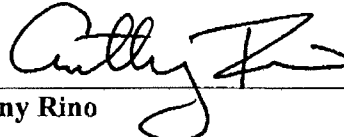
Mailing Address

300 Birnie Avenue
Springfield, MA 01107-1107

Owner:

New England Orthopedic Surgeons

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

BY: 

Anthony Rino

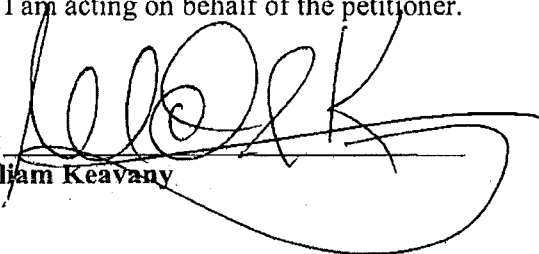
Mailing Address

123 Park Avenue
West Springfield, MA 01089

Owner:

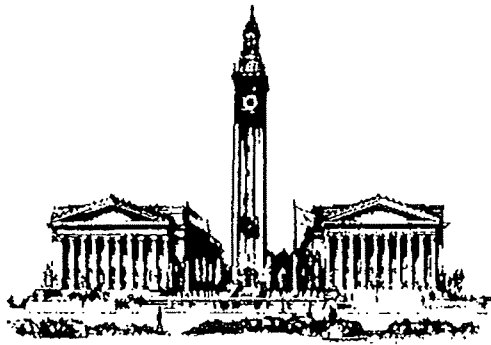
Birnie Avenue, LLC

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

BY: 

William Keavany

Attachment: Birnie Ave 300 Tax Formal (3616 : 300 Birnie Avenue)



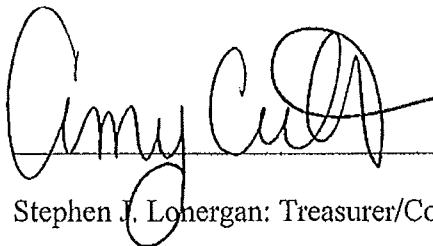
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

08/08/2016

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 : 284 BIRNIE AVENUE
Petitioner: ANTHONY RINO
LandLord: BIRNIE MEDICAL LLC

 Assistant Collector.
Stephen J. Lohergan: Treasurer/Collector

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

**300 BIRNIE AVENUE (A.K.A. 284)(01480-0080)
WALL SIGN(S) (ABOVE THE FIRST FLOOR)**

General Information

Petitioner:	New England Orthopedic Surgeons
Request:	Erect wall sign(s) above the first floor.
Proposed use of the property:	Medical office building.
Parcel Size:	144,808 s.f.
Compatibility with current planning documents:	The Memorial Square Plan shows no changes to this area.
Neighborhood council notification:	New North Citizens Council: 8-8-16
Tax Status:	SEE ATTACHED
Site Visit:	8-23-16
Hearing Date:	9-27-16

Neighborhood characteristics:

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

- To the north is a medical office building zoned Industrial A.
- To the south is the German Gerena Community School zoned Industrial A.
- To the west are rail road tracks.
- To the east is parking garage zoned Industrial A.

Site plan review:

A request has been submitted to install two (2) additional walls signs to the property known as 300 (a.k.a. 284) Birnie Avenue. This is the current location of the New England Orthopedic Surgeons. The proposed signs would be located on the northern and southern facades of the building.

The proposed signs would be constructed of white molded acrylic with each being approximately forty five (45) square feet (2.5' x 18'). The proposed signs would not be internally illuminated.

After visiting the site and review the submitted plans, the staff does not object to the proposed request. The staff believes these signs fit the building very nicely and are in context with the overall architecture of the building. Further, it should be noted that in addition to the special permit, approval is also required from the Springfield Redevelopment Authority as this site falls within the Wason/North Urban Renewal Plan. The

main goal of the Planning staff is to ensure the signs are designed to “...integrate with the architectural design of the facility they identify” as noted within the Wason/North Urban Renewal Plan regulations.



Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the installation of two (2) accessory wall signs, above the first floor, at the property known as 300 Birnie Avenue (a.k.a. 284)(01480-0080.
3. The use shall be developed as per the attached plans and elevations, with the addition of condition #4 through #6.
4. All signage shall be fully permitted through the Building Department, prior to installation.
5. The signs shall not be internally illuminated.
6. All signage shall be reviewed and approved by the Springfield Redevelopment Authority, as per the Wason/North Urban Renewal Plan, prior to the issuance of any sign permits.
7. 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.



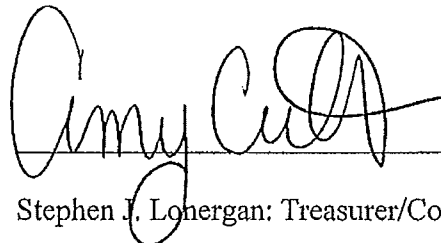
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

08/08/2016

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 : 284 BIRNIE AVENUE
Petitioner: ANTHONY RINO
LandLord: BIRNIE MEDICAL LLC

 Assistant Collector.
Stephen J. Loneragan: Treasurer/Collector

Attachment: Birnie_Ave_300_2016 (3616 : 300 Birnie Avenue)

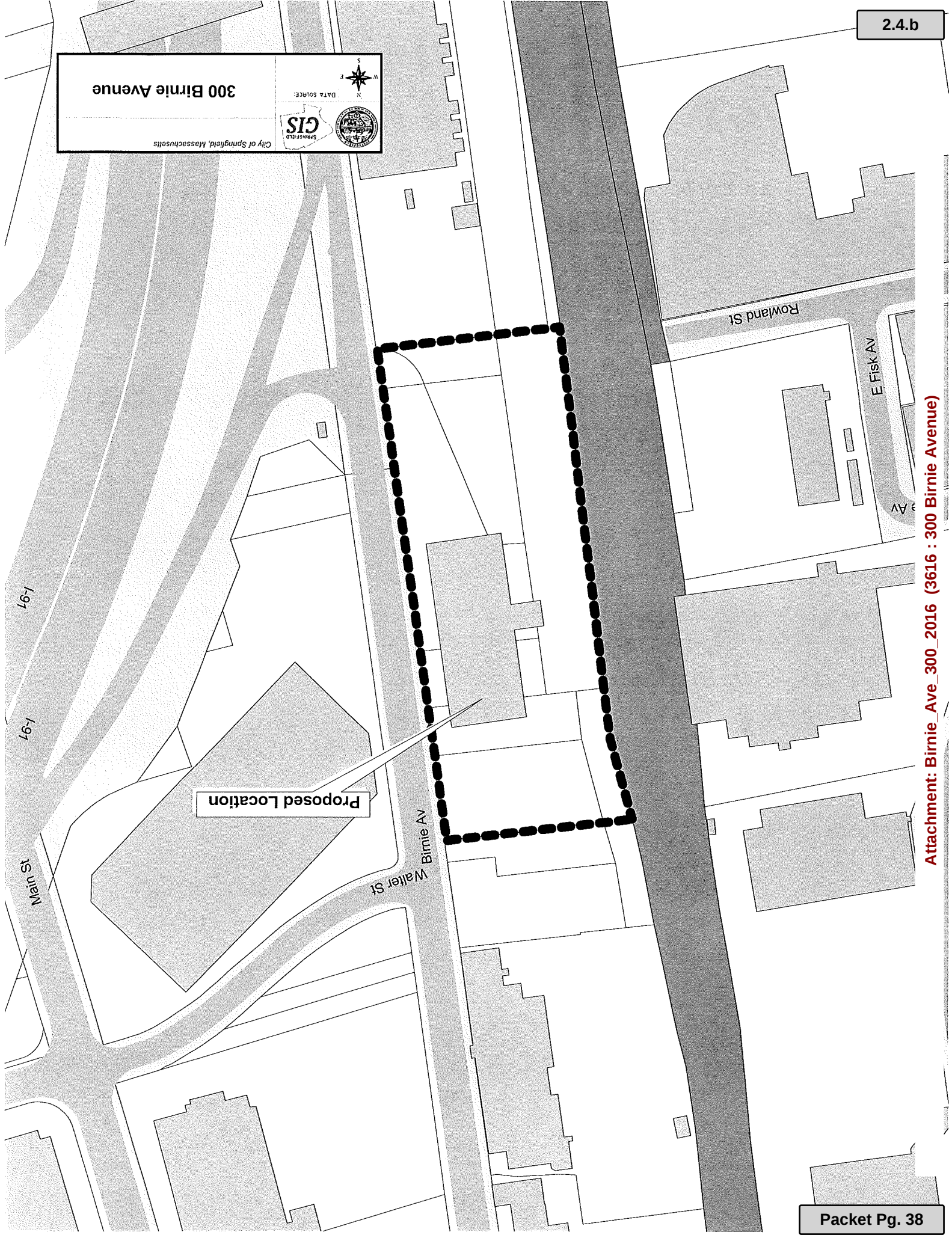
300 Birnie Avenue

City of Springfield, Massachusetts



DATA SOURCE:





Attachment: Birnie_Ave_300_2016 : 300 Birnie Avenue)



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3621)

Meeting: 09/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3621

**For a Special Permit to Renovate and Reopen a Pre-Existing,
Non-Conforming Commercial Use (Retail) at the Property
Known as 64-66 Hancock Street (06250-0013), as Allowed by
M.G.L. and the Springfield Zoning Ordinance Article 10,
Section 10.1.42.**

Request:	See Above
Owner:	Jabir Jebir
By:	Jabir Jebir
Petitioner:	Jabir Jebir
By:	Jabir Jebir

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 property known as 64-66 Hancock Street (06250-0013), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Mailing Address:

646 McKinstry Avenue
Chicopee, MA 01020

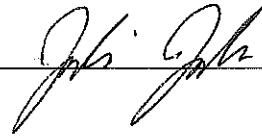
Owner & Petitioner:

Jabir Jebir

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

By: _____

Jabir Jebir



Attachment: Hancock St 64 66 Tax Formal (3621 : 64-66 Hancock Street)



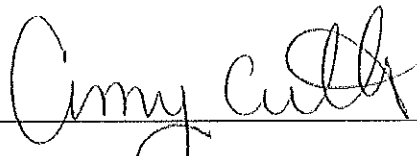
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

08/30/2016

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 : 64-66 HANCOCK STREET
Petitioner: JABIR JEBIR
LandLord: JABIR JEBIR

 Asst. Treasurer
Stephen J. Lonergan: Treasurer/Collector

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

**64-66 HANCOCK STREET (06250-0013)
NON-USE- COMMERCIAL (RETAIL)**

General Information

Petitioner:	Jabir Jebir
Request:	For a special permit to renovate and reopen a pre-existing nonconforming retail use.
Proposed use of the property:	The property is a multi-unit residential structure with a ground floor commercial use.
Parcel Size:	4,087 s.f.
Compatibility with current planning documents:	The Old Hill Neighborhood Plan does not show any changes to this area.
Neighborhood council notification:	Old Hill Neighborhood Council: 8-31-16
Tax Status:	SEE ATTACHED
Site Visit:	8-23-16
Hearing Date:	9-27-16

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. This surrounding land uses include:

- To the north is a funeral home zoned Business A.
- To the south is a vacant parcel zoned Business A.
- To the west is a three-family home zoned Residence B.
- To the east is Saint John's Congregational Church zoned Business A.

Site plan review:

The petitioner has requested a special permit to renovate and reopen a pre-existing, non-conforming retail use at the property known as 64-66 Hancock Street. The site is currently vacant and consists of a two (2) unit residential structure with a ground floor commercial use. There is limited on-street parking.

The petitioner has submitted site plans which indicate that a retail/bakery operation would be opened within the commercial portion of the building with two (2) residential units located in the rear. As noted above, this is a very small parcel with very limited on-site parking. The plans indicate that there is a small alley way along the side of the building but there only appears to be room for two (2) to three (3) vehicles. The plan does indicate there are three (3) on-street parking spaces located in the front of the building.

As with previous similar requests, the staff does not oppose the re-opening of pre-existing used, however the staff does have concerns over the parking at this location. This lack of parking poses not only customer parking problems and issues of service vehicle for the commercial use but also for the potential residential tenants as well. Further, the plans submitted to not indicate an area for dumpsters. Due to the close proximity to residential abutters it is very important that these structures are buffered and protected.

Lastly, after further reviewing the information submitted by the petitioner, the staff also has strong concerns about the lack of information provided regarding what exterior rehabilitation plans will be undertaken by the petitioner. This not only includes the exterior façade, but the signage as well. The staff believes that the rehabilitation plans are important to the surrounding neighborhood as this property has been closed for a number of years. As part of this special permit review, the petitioner should explain how this proposal will benefit the neighborhood. The petitioner should also be required to ensure financing is in place to complete and operate the proposed use. This review has been done in previous special permits of this type and should be required here as well.



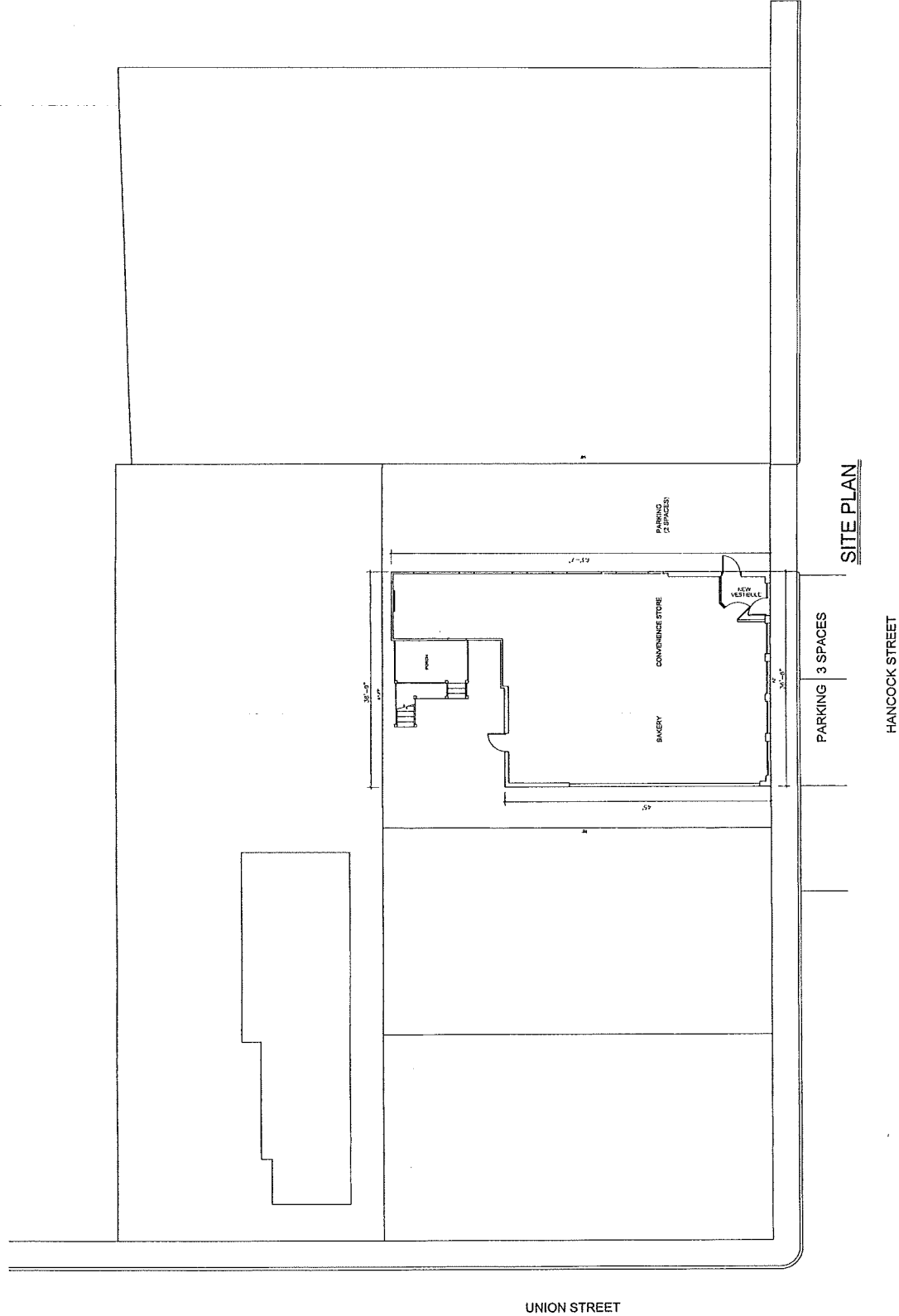
Recommendation

Continue. The staff is supportive of the idea of re-using this building; however, additional information is needed in order to properly assess this proposal. There is a lack of information regarding the rehabilitation plans as well as needing additional details on the proposed use to be taking place at this location. Therefore, the staff is recommending that this item be continued until this additional information is provided.

IF APPROVED*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 use at the property known as 64-66 Hancock Street (06250-0013).
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(s) shall be completely enclosed.
7. The building shall be maintained free of all graffiti.
8. The petitioner shall submit a detailed rehabilitation plans and sign plan to the Office of Planning & Economic Development for review and approval.
9. 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. The site shall be maintained free of all litter, debris and/or weeds.
13. The tree-belts shall be maintained free of all overgrown vegetation, trash and debris.
14. The public sidewalks along Hancock Street shall be maintained, including snow removal.
15. 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.

A2 SHEET	PROJECT NO. 1003
	DRAWN BY: JES
DATE: 08/19/2016	
REVISIONS: 08/19/2016	
SITE PLAN	
BUILDING RENOVATIONS	
64-66 HANCOCK STREET SPRINGFIELD, MASSACHUSETTS	
PHILIP D. BURDICK ARCHITECTURE-LANDSCAPE ARCHITECTURE-PLANNING 5 Ridgewood Terrace-Springfield, MA 01105 philipdburdick.architect@gmail.com 413-222-9535	





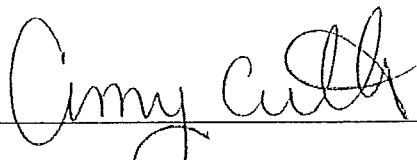
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

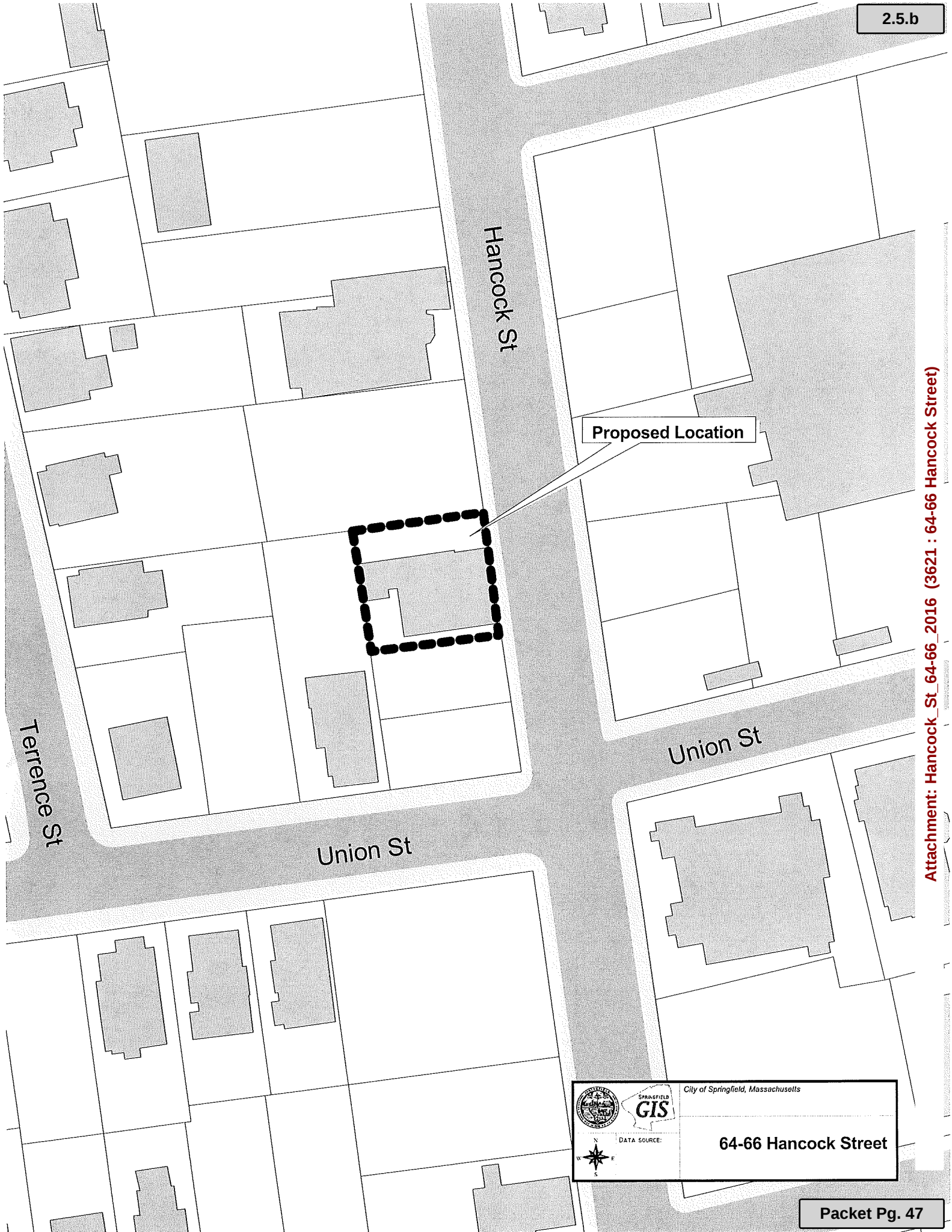
08/30/2016

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 : 64-66 HANCOCK STREET
Petitioner: JABIR JEBIR
LandLord: JABIR JEBIR

 Asst. Treasurer.
Stephen J. Lonergan: Treasurer/Collector



Attachment: Hancock St 64-66 2016 (3621 : 64-66 Hancock Street)



City of Springfield, Massachusetts



DATA SOURCE:

64-66 Hancock Street

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

to amend the Springfield Zoning Ordinance, text enacted May 28, 2013, effective August 26, 2013, as follows:

Article 2 (Definitions):

- Amending the definition of "Buffer Planting Strip" as follows:

A strip of land within a parcel used to protect an abutting land use from the land use on the subject parcel consisting of dense evergreens, not less than three (3) feet in height at the time of planting and an appropriate wall or solid fence, not less than six (6) feet in height. This strip of land shall be permanently maintained.

- Amending the definition of "Lot, Corner" as follows:

LOT, CORNER. A LOT abutting two or more STREETS at their intersection, or upon two parts of the same STREET forming an interior angle of less than one hundred thirty-five degrees. A CORNER LOT has two (2) FRONT LOT LINES, two (2) FRONT YARDS, two (2) SIDE YARDS and no REAR YARD. See Figure 2-4.

- Amending the definition of "Front Yard" as follows:

FRONT YARD. A YARD extending across the full width of a LOT between the FRONT LOT LINE and nearest point of any BUILDING. In the case of a corner lot, the front yard shall be determined by the side of the building which contains the main door.

- Amending the definition of "Rear Yard" as follows:

REAR YARD. A YARD extending across the full width of the LOT between the REAR LOT LINE and nearest point of any BUILDING. In the case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lot. In no case shall the rear yard be located between the house and the street.

Article 4 (Use Regulations):

- Amending Section 4.3.20 as follows:

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2016 JUN 28 P 2:24
CITY CLERK'S OFFICE
SPRINGFIELD, MA

Notwithstanding any provision to the contrary in Table 4-4 or Section 10.3, where a site and/or building is being rehabilitated, renovated, or rebuilt, and its use, site layout, and appearance will remain substantially similar to the previous use (including the appearance of the site and building), ~~only a Tier 1 review will be required~~ **shall not require any approvals under this ordinance.**

- Amending Table 4-2 as follows:

Multi-Family Dwellings	3 to 9 5 dwelling units	10 6 to 15 9 dwelling units	16 10 and more dwelling units
-------------------------------	-----------------------------------	---	---

- Amending Table 4-4 as follows:
 - Section 2.3(1) – under Res C/C2, Com A, Bus A and Bus B change from “2” to “T”
 - Section 2.3(2) – under Additional Regulations delete 4.4.80 and 4.4.85
 - Section 2.4 0 under Additional Regulations delete Table 5-5 and add 5.3.20
 - Section 3.2 – under Additional Regulations change 6.2 to 4.6, change 12.7 to 12.6
 - Section 10.2 – under Bus C changing “2” to “T”; under MUI and IA changing “2” to “1”
 - Section 12.6 – under IA change from “4” to “3”
 - Section 16.1 – under MUI, IA, IP change “2” to “Y”
 - Section 17.3 - under Additional Regulations change 6.3 to 6.2
- Amending Section 4.4.13 as follows:

Mixed-use Buildings Containing Dwelling Units or **Residential Buildings** in Commercial A, Business A, Business B, Business C, and Mixed Use Industrial Districts

In order to maintain an active pedestrian STREET environment, enhance the character of commercial districts, and maintain continuity of commercial activity without interruption by residential façades, the portion of all MIXED-USE BUILDINGS **OR RESIDENTIAL BUILDINGS** along STREET FRONTAGES shall be used only for non-residential purposes, except for entrances to the residential units. The following additional requirements shall apply **and may only be waived with written approval from the Office of Planning & Economic Development.**

A. All DWELLING UNITS ~~in MIXED-USE BUILDINGS~~ shall be located as follows:

- DWELLING UNITS located above the STREET level may be placed anywhere ~~within a MIXED-USE BUILDING~~ in accordance with the density established in tables 5-5 and 5-6.

- Amend Section 4.4.20 as follows:

A SWIMMING POOL shall not be nearer than eight (8) feet to any LOT LINE or eight (8) feet to any DWELLING or located between the front of the BUILDING and the STREET LINE. **All SWIMMING POOLS shall be enclosed by a fence at least four (4) feet in height and/or shall meet the fencing and enclosure requirements as per the Massachusetts Building Code (780 CMR).**

- Amend Section 4.4.71(B) as follows:
 - In addition to the applicable standards in Section 4.6, the following regulations shall apply for CHILD CARE CENTERS and SCHOOL AGE CHILD PROGRAMS **which are located within residentially zoned properties.**
- Amend Section 4.5.32(2) as follows:
 SIGNS shall comply with all applicable SIGN regulations found in Article 9 ~~and shall not exceed four (4) square feet of display area on all sides within Residential DISTRICTS.~~

Article 5 (Dimensional and Intensity Regulations):

- Amending Table 5-1 by amending “Minimum Building Lot Width at Building Line” - under Res B for single-family from “50” to “60” and under Res B for two-family from “50” to “80”.
- Amending Table 5-1 by adding footnote #7 to state: **“In the case of a corner lot, there shall be equal to or greater than fifteen (15) feet between the building and the side property line fronting on a street.”**
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Principal Buildings” – adding footnote #7 to Res A-1, Res A, Res B and Res C.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – adding **“(Also refer to Article 4, Section 4.4.14)”**.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res B- changing “0” to “3” and changing footnote “3” to “5”.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res C- changing “0” to “3”.
- Amending Section 5.6 by changing “Section 6.2” to “Section 6.1”.
- Amending Section 5.2.10 as follows:
 For the dimensions of ~~MIXED-USE BUILDINGS~~ with Dwelling Units located in non-residential ZONING DISTRICTS, see ~~tables 5-5~~ **Section 5.3.20** and **Table 5-6**.
- Amending Section 5.2.80 as follows:

The front of a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING on an INTERIOR LOT shall face the STREET; ~~a door to each DWELLING UNIT shall either (a) face the STREET or (b) open onto a PORCH that provides access from the STREET side of the BUILDING.~~ **and shall contain the main door.**

- Amending Section 5.3.20 as follows:

- Deleting Table 5-5 and adding the following language:

Residential uses located within Office A shall following the dimensional regulations outline for Res B, as found in Section 5.2.

Residential uses located within Commercial A, Business A, Business B, Business C and Business D shall follow the dimensional regulations outlined for Residence C, as found in Section 5.2.¹

Residential development is not allowed within the Commercial P or Business B-1 districts.

Within the Industrial A district, no building or other structure(s) shall be erected, altered or used and no land shall be used or occupied for residential purposed, EXCEPT, where subdivision plans or individual building lots existed, and were duly recorded or registered, prior to the enactment of this ordinance.

¹ **For ground floor residential, refer to Article 4, Section 4.4.13**

Article 7 (Site Regulations):

- Amending Section 7.1.32(c) by deleting the following:

The availability of shared parking with binding agreements to secure its long-term availability; ~~where adjoining parking areas are connected directly to one another, to a service road or alley to reduce turning movements onto roads.~~

- Amending Table 7-1 by adding “colleges” and “1 space per faculty /0.5 spaces per students”
- Amending Table 7-1 under “other categories” as follows:

~~Tier 1 Administrative Site Plan Review in accordance with 7.1.32 and Section 12.2~~
Determination by the Building Commissioner or his/her designee”.

- Amending Section 7.1.53 as follows:

D. These requirements may be reduced through the course of Site Plan Review.

- Amending Section 7.3.21 as follows:

Except in the Business D District, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located in the REQUIRED FRONT YARD. **Further, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located** ~~or~~ in any REQUIRED SIDE OR REAR YARD **if** abutting a residential district. **These requirements may be waived if it is determined that these requirements would make** ~~unless this requirement would make~~ the accessory drive-through infeasible. This ~~which~~ determination shall be made, taking into account the required configuration of the building and related drive-through structure in order to provide drive-through services in relation to the size, shape and topography of the lot where such USE is proposed to be carried out. This prohibition applies to Structures, stacking lanes, and other related facilities.

- Amending Section 7.4.21 as follows:

~~A Tier 3 Special Permit shall be required for construction of a FENCE greater than six (6) feet in height that is located either in a Residential District or within ten (10) feet of a LOT LINE of a Residential USE.~~ **In any Residential District, a fence higher than six (6) feet shall require a Special Permit from the Planning Board. The same requirement shall apply to such a fence in excess of eight (8) feet, located within a Business District, if said fence is located within ten (10) feet of the property line of a residential use.**

- Amending Section 7.4.32 as follows:

Where two (2) land uses ~~districts~~ abut each other, the more intense ~~district~~ use must provide a BUFFER PLANTING STRIP when adjacent to residential districts **and/or residential uses** ~~or to less intense residential districts.~~ **This requirement shall apply to pre-existing lots where a new use or a more intensive use is established.** All DEVELOPMENT must follow the buffer and screening requirements in Table 7-3 and illustrated in Figure 7-1.

Article 9 (Sign Regulations):

- Amending Section 9.8.22 as follows:

The thickness between the SIGN faces shall not exceed one (1) foot. The closest point of a PROJECTING SIGN to a BUILDING wall shall not exceed one (1) foot. A PROJECTING SIGN shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. **"A Projecting Sign shall not extend more than three (3) feet beyond the street line".**

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light conditions by means of a light detector/photocell. Further, the light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading shall be taken at least thirty (30) minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading shall be taken with the sign displaying all white copy. Measurement of the light levels shall be taken perpendicular to the face of the sign and at a distance of fifty (50) feet from the source.

- Amending Section 9.10.10 as follows:

One (1) SIGN may be ERECTED without a SIGN PERMIT to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature.

Article 11 (Administration):

- Amending Section 11.1.14 as follows:

11.1.14 Action on Building Permits

The BUILDING COMMISSIONER shall grant or deny a BUILDING **PERMIT** as soon as practical, but in no event in more than thirty (30) days of receiving a complete application, and shall inform the applicant by sending the permit or denial by mail, or by delivering it in person to the applicant at the BUILDING COMMISSIONER'S Office, within that thirty (30) day period. The issuance of a BUILDING PERMIT does not relieve an applicant or an owner of the responsibility to obtain all required permits under this Ordinance or any other applicable local, state, or federal law or regulation.

Article 12:

- Amending Section 12.1.41 as follows:

The Office of Planning and Economic Development shall ensure that all agencies, boards, commissions, and departments with jurisdiction over a project are informed of any pending applications and invited to participate in the decision process under this Article. **However, the reviews listed in this Article are to ensure compliance with the underlying zoning regulations. These reviews shall not, in anyway, supersede or replace any additional reviews required by other City Departments (i.e. Department of Public Works, Building Department, Fire Department, etc.).** The Office of Planning and Economic Development **Office of Neighborhood Services** shall keep a list of neighborhood councils designated by the Planning Board, ~~who~~ **that** shall be notified **by the Office of Planning & Economic Development** of Tier 2 and 3 applications submitted to the Office of Planning and Economic Development. Such notification of neighborhood councils shall supplement the required notification of abutters, newspaper publication, and other forms of public notice contained in Sections 12.3.33, and 12.4.33.

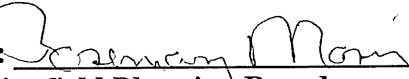
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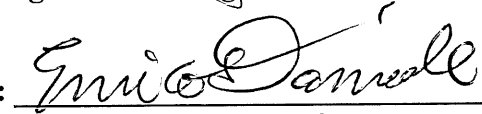
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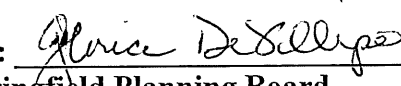
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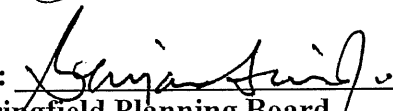
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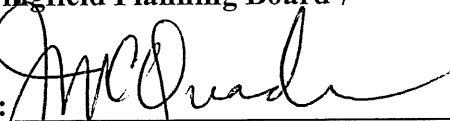
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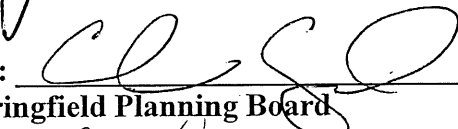
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**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE**

**ZONING ORDINANCE AMENDMENT
EDITS/CORRECTIONS TO EXISTING ZONING ORDINANCE**

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	To make a number of corrections/edits to the existing Zoning Ordinance approved May 28, 2013 and effective August 26, 2013.
Location:	City Wide
Parcel Size:	N/A
Purpose:	Revise and update current ordinance.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Tax Status:	N/A
Planning Board Hearing:	7-20-16

SPECIAL INFORMATION

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

ANALYSIS

The Office of Planning & Economic Development, in conjunction with the Zoning Administrator and Building Department have been noting a number of corrections/edits found within the revised Zoning Ordinance which was approved by the City Council in May and became effective in August. A copy of the full proposal has been attached to this analysis.

As can be seen by the attached amendments, many of the proposed edits deal directly with correcting errors found within the document since its implementation as well as providing clarification to the underlying regulations. These include changes to section numbering, deleting or adding of specific terms and/or language and the removal of references to sections that no longer exist within the approved document.

In addition, after having the opportunity to work with the document over the last three (3) years, there have been a number of issues that have arisen during the permitting process in which the Building Department have asked us to address. One such issue relates to the new requirements of a “corner lot”, “front yard” and “rear yard”. These

were new requirements that were added to the new document but have been found to be very cumbersome to many developers. The same was also true for the new regulations for developing residential units within business zones. At the request of the Building Department, these requirements are being modified and will be handled as it was under the previous ordinance.

One of the more significant amendments being proposed is the change to the number of housing units allowed to be developed with only a Site Plan Review as opposed to a special permit. Currently, a new residential development only requires a special permit when it proposes to develop sixteen (16) or more units. Under the proposal being presented, this number would be reduced to ten (10) or more units. This proposal is in response to a number of concerns raised by neighborhood organizations about the new construction of larger residential developments. The most recent example of this is the multi-family development currently being constructed on Boston Road. The staff believes that by requiring these larger developments to fall under a special permit as opposed to only a Site Plan Review will allow the City much more oversight to ensure that these developments are appropriate for areas in which they are being proposed.

In addition, the staff is recommending a number of changes to the “changing image sign” section of the ordinance. Most notably is the requirement for an automatic dimming capability. Currently, there are no regulations controlling the brightness of these signs. Due to the fact that many of these signs are located within neighborhood commercial districts, the staff feels it is appropriate to ensure that these signs do not become a nuisance to surrounding businesses or the neighborhood as a whole.

Overall, as indicated by the staff when this document was originally passed, a continued monitoring of this ordinance is required to identify errors and/or processes which have been determined to be incorrect or that have been found to impede with the development process. As the City of Springfield moves forward with this document and continues to implement these new development controls, the staff is sure that additional edits will be required and, as pledged, will continue to make sure that this is a living document that continues to enhance the development patterns within the City of Springfield.

RECOMMENDATION

Approve.



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

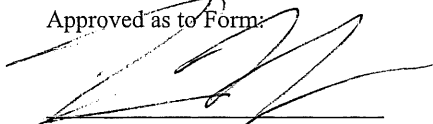
AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING MAP

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

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, effective August 26, 2013, as amended, is hereby further amended by amending Article 2 definition of "Buffer Planting Strip", "Lot, Corner", "Front Yard", "Rear Yard"; Article 4, Section(s) 4.3.20, Table 4-2, Table 4-4, Section 4.4.13, 4.4.20, 4.4.71(B) and 4.5.32(2); Article 5, Table 5-1, Section 5.6, 5.2.10, 5.2.80 and 5.3.20; Article 7, Section 7.1.32(c), Table 7-1, Section 7.1.53, 7.3.21, 7.4.21 and 7.4.32; Article 9, Section 9.8.22, 9.3.70 and 9.10.10; Article 11, Section 11.1.14; Article 12, Section 12.1.41 (see attached for full text). "The entire City Building Zone Map of the City of Springfield."

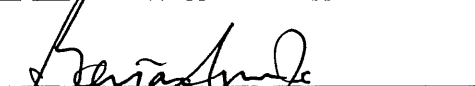
Approved as to Form:



Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on July 20, 2016, regarding the above Ordinance amendment.

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



Ben Swan, Jr., Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

AN ORDINANCE

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**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3184
SECTION: Entire City

DATE: July 21, 2016

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: Springfield Planning Board

ADDRESS: Entire City

CHANGE REQUESTED: SEE ATTACHED

PETITIONER'S PURPOSE STATEMENT: To correct/edit the recently approved Zoning Ordinance in order to address issues that have arisen since being passed in May 2013. The proposed edits/corrections are in conjunction with the Building Department and the Zoning Administrator.

DATE OF PUBLIC HEARING: July 20, 2016

DATE OF FINAL DECISION: July 20, 2016

BOARD MEMBERS PRESENT and COUNT: seven (7); Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cuningham

FINAL MOTION: Approve

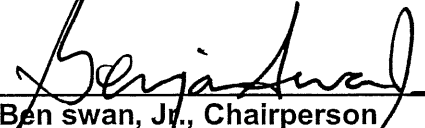
IN FAVOR: seven (7); Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cuningham

OPPOSED: zero (0)

ABSTAINED: N/A

RECOMMENDATION: APPROVE

Respectfully submitted,


Ben swan, Jr., Chairperson

Attachment: 3184_Zoning_Amendments_2016_CC (3610 : City Wide - Edits/Corrections to Existing Zoning Ordinance)

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

to amend the Springfield Zoning Ordinance, text enacted May 28, 2013, effective August 26, 2013, as follows:

Article 2 (Definitions):

- Amending the definition of "Buffer Planting Strip" as follows:

A strip of land within a parcel used to protect an abutting land use from the land use on the subject parcel **consisting of dense evergreens, not less than three (3) feet in height at the time of planting and an appropriate wall or solid fence, not less than six (6) feet in height. This strip of land shall be permanently maintained.**

- Amending the definition of "Lot, Corner" as follows:

LOT, CORNER. A LOT abutting two or more STREETS at their intersection, or upon two parts of the same STREET forming an interior angle of less than one hundred thirty-five degrees. ~~A CORNER LOT has two (2) FRONT LOT LINES, two (2) FRONT YARDS, two (2) SIDE YARDS and no REAR YARD.~~ See Figure 2-4.

- Amending the definition of "Front Yard" as follows:

FRONT YARD. A YARD extending across the full width of a LOT between the FRONT LOT LINE and nearest point of any BUILDING. **In the case of a corner lot, the front yard shall be determined by the side of the building which contains the main door.**

- Amending the definition of "Rear Yard" as follows:

REAR YARD. A YARD extending across the full width of the LOT between the REAR LOT LINE and nearest point of any BUILDING. **In the case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lot. In no case shall the rear yard be located between the house and the street.**

Article 4 (Use Regulations):

- Amending Section 4.3.20 as follows:

Notwithstanding any provision to the contrary in Table 4-4 or Section 10.3, where a site and/or building is being rehabilitated, renovated, or rebuilt, and its use, site layout, and appearance will remain substantially similar to the previous use (including the appearance of the site and building), ~~only a Tier 1 review will be required~~ **shall not require any approvals under this ordinance.**

- Amending Table 4-2 as follows:

Multi-Family Dwellings	3 to 9 5 dwelling units	10 6 to 15 9 dwelling units	16 10 and more dwelling units
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- Amending Table 4-4 as follows:
 - Section 2.3(1) – under Res C/C2, Com A, Bus A and Bus B change from “2” to “T”
 - Section 2.3(2) – under Additional Regulations delete 4.4.80 and 4.4.85
 - Section 2.4 0 under Additional Regulations delete Table 5-5 and add 5.3.20
 - Section 3.2 – under Additional Regulations change 6.2 to 4.6, change 12.7 to 12.6
 - Section 10.2 – under Bus C changing “2” to “T”; under MUI and IA changing “2” to “1”
 - Section 12.6 – under IA change from “4” to “3”
 - Section 16.1 – under MUI, IA, IP change “2” to “Y”
 - Section 17.3 - under Additional Regulations change 6.3 to 6.2
- Amending Section 4.4.13 as follows:

Mixed-use Buildings Containing Dwelling Units or **Residential Buildings** in Commercial A, Business A, Business B, Business C, and Mixed Use Industrial Districts

In order to maintain an active pedestrian STREET environment, enhance the character of commercial districts, and maintain continuity of commercial activity without interruption by residential façades, the portion of all MIXED-USE BUILDINGS **OR RESIDENTIAL BUILDINGS** along STREET FRONTAGES shall be used only for non-residential purposes, except for entrances to the residential units. The following additional requirements shall apply **and may only be waived with written approval from the Office of Planning & Economic Development.**

A. All DWELLING UNITS in ~~MIXED-USE BUILDINGS~~ shall be located as follows:

- DWELLING UNITS located above the STREET level may be placed anywhere ~~within a MIXED-USE BUILDING~~ in accordance with the density established in tables 5-5 and 5-6.

- Amend Section 4.4.20 as follows:

A SWIMMING POOL shall not be nearer than eight (8) feet to any LOT LINE or eight (8) feet to any DWELLING or located between the front of the BUILDING and the STREET LINE. **All SWIMMING POOLS shall be enclosed by a fence at least four (4) feet in height and/or shall meet the fencing and enclosure requirements as per the Massachusetts Building Code (780 CMR).**

- Amend Section 4.4.71(B) as follows:
 - In addition to the applicable standards in Section 4.6, the following regulations shall apply for CHILD CARE CENTERS and SCHOOL AGE CHILD PROGRAMS **which are located within residentially zoned properties.**
- Amend Section 4.5.32(2) as follows:

SIGNS shall comply with all applicable SIGN regulations found in Article 9 ~~and shall not exceed four (4) square feet of display area on all sides within Residential DISTRICTS.~~

Article 5 (Dimensional and Intensity Regulations):

- Amending Table 5-1 by amending “Minimum Building Lot Width at Building Line” - under Res B for single-family from “50” to “60” and under Res B for two-family from “50” to “80”.
- Amending Table 5-1 by adding footnote #7 to state: **“In the case of a corner lot, there shall be equal to or greater than fifteen (15) feet between the building and the side property line fronting on a street.”**
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Principal Buildings” – adding footnote #7 to Res A-1, Res A, Res B and Res C.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – adding **“(Also refer to Article 4, Section 4.4.14)”**.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res B- changing “0” to “3” and changing footnote “3” to “5”.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res C- changing “0” to “3”.
- Amending Section 5.6 by changing “Section 6.2” to “Section 6.1”.
- Amending Section 5.2.10 as follows:

For the dimensions of ~~MIXED-USE BUILDINGS with~~ Dwelling Units located in non-residential ZONING DISTRICTS, see ~~tables 5-5~~ **Section 5.3.20** and **Table 5-6**.
- Amending Section 5.2.80 as follows:

The front of a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING on an INTERIOR LOT shall face the STREET; ~~a door to each DWELLING UNIT shall either (a) face the STREET or (b) open onto a PORCH that provides access from the STREET side of the BUILDING.~~ **and shall contain the main door.**

- Amending Section 5.3.20 as follows:

- Deleting Table 5-5 and adding the following language:

Residential uses located within Office A shall following the dimensional regulations outline for Res B, as found in Section 5.2.

Residential uses located within Commercial A, Business A, Business B, Business C and Business D shall follow the dimensional regulations outlined for Residence C, as found in Section 5.2.¹

Residential development is not allowed within the Commercial P or Business B-1 districts.

Within the Industrial A district, no building or other structure(s) shall be erected, altered or used and no land shall be used or occupied for residential purposed, EXCEPT, where subdivision plans or individual building lots existed, and were duly recorded or registered, prior to the enactment of this ordinance.

¹ **For ground floor residential, refer to Article 4, Section 4.4.13**

Article 7 (Site Regulations):

- Amending Section 7.1.32(c) by deleting the following:

The availability of shared parking with binding agreements to secure its long-term availability; ~~where adjoining parking areas are connected directly to one another, to a service road or alley to reduce turning movements onto roads.~~

- Amending Table 7-1 by adding "colleges" and "1 space per faculty /0.5 spaces per students"

- Amending Table 7-1 under "other categories" as follows:

~~Tier 1 Administrative Site Plan Review in accordance with 7.1.32 and Section 12.2~~
Determination by the Building Commissioner or his/her designee".

- Amending Section 7.1.53 as follows:

D. These requirements may be reduced through the course of Site Plan Review.

- Amending Section 7.3.21 as follows:

Except in the Business D District, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located in the REQUIRED FRONT YARD. **Further, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located or in any REQUIRED SIDE OR REAR YARD if abutting a residential district. These requirements may be waived if it is determined that these requirements would make unless this requirement would make the accessory drive-through infeasible. This which** determination shall be made, taking into account the required configuration of the building and related drive-through structure in order to provide drive-through services in relation to the size, shape and topography of the lot where such USE is proposed to be carried out. This prohibition applies to Structures, stacking lanes, and other related facilities.

- Amending Section 7.4.21 as follows:

~~A Tier 3 Special Permit shall be required for construction of a FENCE greater than six (6) feet in height that is located either in a Residential District or within ten (10) feet of a LOT LINE of a Residential USE.~~ **In any Residential District, a fence higher than six (6) feet shall require a Special Permit from the Planning Board. The same requirement shall apply to such a fence in excess of eight (8) feet, located within a Business District, if said fence is located within ten (10) feet of the property line of a residential use.**

- Amending Section 7.4.32 as follows:

~~Where two (2) land uses districts abut each other, the more intense district use must provide a BUFFER PLANTING STRIP when adjacent to residential districts and/or residential uses or to less intense residential districts.~~ **This requirement shall apply to pre-existing lots where a new use or a more intensive use is established.** All DEVELOPMENT must follow the buffer and screening requirements in Table 7-3 and illustrated in Figure 7-1.

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- Amending Section 9.8.22 as follows:

The thickness between the SIGN faces shall not exceed one (1) foot. The closest point of a PROJECTING SIGN to a BUILDING wall shall not exceed one (1) foot. A PROJECTING SIGN shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. **"A Projecting Sign shall not extend more than three (3) feet beyond the street line".**

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9.3.79 If the CHANGING IMAGE SIGN is double sided, the distance between the two (2) signs shall not exceed twelve (12) inches.

9.3.80 CHANGING IMAGE SIGN(s) shall be equipped with automatic dimming capability to automatically adjust the illuminative brightness of the display according to ambient

light conditions by means of a light detector/photocell. Further, the light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading shall be taken at least thirty (30) minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading shall be taken with the sign displaying all white copy. Measurement of the light levels shall be taken perpendicular to the face of the sign and at a distance of fifty (50) feet from the source.

- Amending Section 9.10.10 as follows:

One (1) SIGN may be ERECTED without a SIGN PERMIT to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature.

Article 11 (Administration):

- Amending Section 11.1.14 as follows:

11.1.14 Action on Building Permits

The BUILDING COMMISSIONER shall grant or deny a BUILDING PERMIT as soon as practical, but in no event in more than thirty (30) days of receiving a complete application, and shall inform the applicant by sending the permit or denial by mail, or by delivering it in person to the applicant at the BUILDING COMMISSIONER's Office, within that thirty (30) day period. The issuance of a BUILDING PERMIT does not relieve an applicant or an owner of the responsibility to obtain all required permits under this Ordinance or any other applicable local, state, or federal law or regulation.

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The Office of Planning and Economic Development shall ensure that all agencies, boards, commissions, and departments with jurisdiction over a project are informed of any pending applications and invited to participate in the decision process under this Article. However, the reviews listed in this Article are to ensure compliance with the underlying zoning regulations. These reviews shall not, in anyway, supersede or replace any additional reviews required by other City Departments (i.e. Department of Public Works, Building Department, Fire Department, etc.). The Office of Planning and Economic Development Office of Neighborhood Services shall keep a list of neighborhood councils designated by the Planning Board, ~~who~~ that shall be notified by the Office of Planning & Economic Development of Tier 2 and 3 applications submitted to the Office of Planning and Economic Development. Such notification of neighborhood councils shall supplement the required notification of abutters, newspaper publication, and other forms of public notice contained in Sections 12.3.33, and 12.4.33.

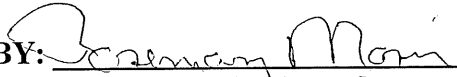
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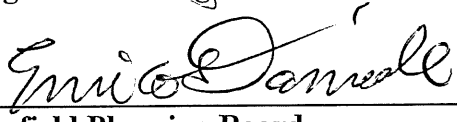
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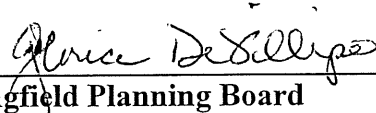
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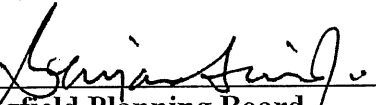
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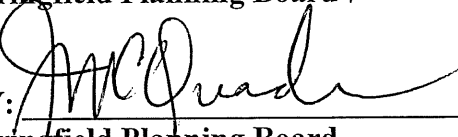
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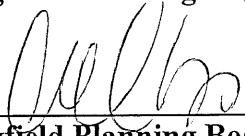
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