



CITY COUNCIL

City Clerk's Office 5/17/2022

Hearings Meeting Agenda~

I hereby notify you that the following items of business have been filed with this office and can be acted upon at the meeting of the City Council **Monday May 23, 2022** at 07:00 PM.

City Clerk

Hearings

7:00 PM Meeting called to order on May 23, 2022 at Virtual Meeting (Zoom) , Virtual Meeting, N/A, NA.

Moment of Silence - Pledge of Allegiance

Special Permits

- (1.) For a Special Permit to Operate an Adult Use Marijuana Establishment (Marijuana Cultivator) at a Portion of the Property Known as 299 Page Boulevard (09440-1100) (Book#22629/Page#91), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.2.
Request: See Above
Owner: DAL Page, LLC
By: Davis Goodman, Manager
Petitioner: Page Cultivate, LLC
By: Mark Waldron, Manager
- (2.) For a Special Permit for a Mixed-Use (Commercial/Residential) Building at the Property Known as 443 State Street (11110-0570) (Book#3097/Page#457), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 2.4 and Table 4-2.
Request: See Above
Owner: Nelen Associates Realty, Trust
By: Joseph Nelen
Petitioner: Renaissance Development, LLC
By: Donald Mitchell
- (3.) To Amend an Existing Special Permit (Mechanical Public Car Wash), Granted May 2014 and Amended June 2021, by Allowing a Change to the Approved Site Plan by Expanding to the Property Known as 9 York Street (12605-0046) (Book #23840/Page#39) at the Property Now Known as 693-703 East Columbus Avenue (04303-0588) (Book#20355/Page#100), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(2).
Request: See Above
Owner: Columbus Ave Realty, LLC & York Street II, LLC
By: James E. Balsie Jr.
Petitioner: James E. Balsie Jr.

By: James E. Balsie Jr.

- (4.) To Amend and Existing Special Permit (Motor Vehicle Service/Sales), Granted March 2021, by Allowing a Change to the Petitioner for the Motor Vehicle Sales Portion of the Operation at the Properties Known as 484 Boston Road (01655-0083), 472 Boston Road (01655-0081) and NS Boston Road (01655-0085 & 0086), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.41.

Request: See Above

Owner: Springfield Boston Road Bld., LLC

By: Sanjay Patel

Petitioner: Crowns Trading, Inc.

By: Mohammad Abdul Wahid

- (5.) For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) on a Portion of the Properties Known as SS Boston Road (01655-0693)(Book#20507/Page#593), WS Lamont Street (07470-0003) (Book#20507/Page#593) and ES Morton Street (08860-0124) (Book#20507/Page#593), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above

Owner: Nicholas Graham

By: Nicholas Graham

Petitioner: KUR Retailers, LLC

By: Robert McKinley

- (6.) For a Special Permit for Motor Vehicle Sales at the Property Known as 961 East Columbus Avenue (04303-0548)(Book#4303/Page#548), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.1.

Request: See Above

Owner: Jermey D. Ober

By: Jermey D. Ober

Petitioner: Jermey D. Ober

By: Jermey D. Ober

- (7.) For a Dimensional Special Permit for the Reduction of the Rear and Side Yards at the Properties Known as SS Morris Street (08850-0046, 0038, 0037 & 0036) (Book#10057& 6236/Page#256 & 435), SS Morris Street (08850-0035) (Book#21750/Page#555), NS Morris Street (08850-0013, 0016, 0018 & 0019) (Book#23055/Page#33), NS Central Street (02560-0009) (Book#10057 & 6236/Page#258 & 435), NS Central Street (02560-0010) (Book#10057 & 6236/Page#259 & 435), NS Central Street (02560-0013 & 0015) (Book#10057 & 6236/Page#256 & 435) and NS Central Street (02560-0017 & 0019) (Book#377/Page#126), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 12, Section 12.5 and Table 12-1.

Request: See Above

Owner: City of Springfield

By: Christopher Caputo, City Collector-Treasurer

Petitioner: Home City Development, Inc.

By: Thomas Kegelman

Zoning Changes

- (8.) Area Generally Bounded by State Street, Main Street, Willow Street, Stockbridge Street, Park Street - Zone Change from Business B to Business C Area Generally Bounded by State Street, Main Street, Willow Street, Stockbridge Street, Park Street None Yet

PETITIONER:

Springfield Planning Board

ADDRESS:

**State St, Willow St, Stockbridge St,
Main St, Park St**

CHANGE REQUESTED:

Bus B to Bus C

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

for a special permit to operate an Adult Use Marijuana Establishment (marijuana cultivator) at a portion of the property known as 299 Page Boulevard (09440-1100) (Book#22629/Page#91), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.2.

Mailing Address:

89 Guion Street
 Springfield, MA 01104

Owner:

DAL Page, LLC

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



BY: David Goodman
David Goodman, Manager

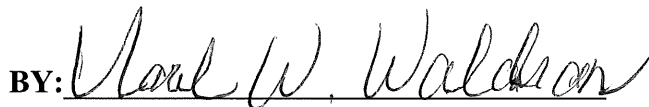
Mailing Address:

89 Guion Street
 Springfield, MA 01104

Petitioner:

Page Cultivate, LLC

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



BY: Mark Waldron
Mark Waldron, Manager

Attachment: 299_Page_BI_Adult_Use_Cultivation_Tax_Form (6487 : 299 Page Boulevard)



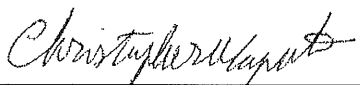
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

10/6/2021

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 : 299 Page Boulevard
Petitioner : Page Cultivate, LLC
LandLord : DAL Page , LLC



Christopher A. Caputo; Treasurer Collector

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

**299 PAGE BOULEVARD (09440-1100)
ADULT USE MARIJUANA ESTABLISHMENT (CULTIVATION)
PAGE CULTIVATE, LLC**

General Information

Petitioner:	Page Cultivate, LLC
Request:	Adult Use Marijuana Establishment (cultivation)
Proposed use of the property:	Adult Use Marijuana Establishment (cultivation)
Parcel Size:	106,247 s.f.
Compatibility with current planning documents:	The East Springfield Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	East Springfield Neighborhood Council: 11-8-21
Tax Status:	SEE ATTACHED
Site Visit:	11-15-21
Hearing Date:	11-22-21/12-6-21

Staff Analysis

Neighborhood characteristics:

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

- To the north are the Springfield Police Training Academy and a number of motor vehicle repair operations zoned Industrial A.
- To the south is a manufacturing operation zoned Industrial A.
- To the west is a warehouse operation zoned Business B and Industrial A.
- To the east is a recycling operation zoned Industrial A.

Summary:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (cultivation) on a portion of the property known as 299 Page Boulevard. This site currently contains the Springfield Police Training Academy. AN ANR/Non-Subdivision plan was submitted showing the creation of a new 106,247 square foot parcel to be located behind the existing building. The plans submitted show the construction of a new 46,984 square foot building.

As the Council is aware, the voters of Massachusetts approved an initiative petition known as “*The Regulation and Taxation of Marijuana Act*”, which was codified as Chapter 334 of the Acts of 2016 (“Chapter 334”). Chapter 334 reduced state criminal penalties and instituted civil penalties for the possession and recreational use of marijuana by persons over 21 years of age. It also created a way for the Commonwealth to control the production and distribution of marijuana through licensing, regulations, and taxation of Marijuana Establishments. Chapter 55 of the Acts of 2017 (“Act”) was enacted by the State Legislature as an amendment to Chapter 334.

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

The Act also calls for local control of Marijuana Establishments (G.L.c. 94G, §3) by allowing municipalities to create licensing requirements and to make reasonable regulations that control the time, place and manner of Establishments. In October 2018, an amendment to the Springfield Zoning Ordinance was approved which added Section 4.7.110, *Adult Use Marijuana Establishments*. Section 4.7.110 sets forth the zoning and Tier 3 special permit requirements for Establishments seeking to operate in the City. Proposed Projects must comply with all requirements set forth in section 4.7.110 of the City’s Zoning Ordinance.

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

The City conducted a first phase of the RFQ/P back in 2019. At that time, four (4) applicants were selected to move forward with the Hoar Community Agreement and special permit process. As of today’s date, the City of Springfield has four marijuana retail storefronts approved and currently has two (2) in operation (1300 Boston Road and 1200 West Columbus Avenue). There are currently no cultivation uses operating in Springfield.

A Phase 2 RFQ/P was issued in January 2021. As with Phase 1, the Phase 2 RFQ/P required detailed submissions from each potential applicant. The City also continued to retained an outside expert legal consultant to advise the City about fair, balanced and neutral selection criteria. Information required to be submitted in the response to the RFQ/P included:

- **Project Description:**
 - The type of Marijuana Establishment being proposed;
 - The name of the proposer, the contact person and the contact person's business address, telephone and facsimile numbers and e-mail address; and
 - A brief description of proposer and its business including names and biographies of its officers, directors, and key personnel, or persons serving in similar capacities.
- **Location:**
 - Proof of interest, proprietary ownership, lease or control of the proposed project site evidencing binding permission to use the premises as a Marijuana Establishment;
 - Size and description of the proposed site;
 - Pedestrian and vehicular traffic safety plan; and
 - A comprehensive analysis showing the site is in compliance with zoning requirements set forth in Section 4.7.110 of the City

Zoning Ordinance, including buffer zones.

- **Design and Construction:**
 - Estimated construction budget;
 - Conceptual site plan of the project including, but not limited to:
 - Proposed employee and customer parking;
 - Dumpster locations;
 - Lighting;
 - Security fencing; and
 - Signage.
 - A summary of anticipated fiscal impacts on the City of Springfield, the anticipated duration of such impacts and a detailed plan to mitigate such impacts that includes:
 - Pedestrian and vehicular traffic impacts;
 - Infrastructure and utility impacts;
 - Environmental impacts; and
 - Increases in City services.
- **Management and Business Operations:**
 - A draft Management and Operations Profile pursuant to 935 CMR 500.101;
 - Business operations profile, including the projected number of full-time and part-time employment positions that will be created by the project and the number of positions available to City residents;
 - Organizational chart for the proposer, listing all principal entities. If the proposer currently has or expects to have local partners who will have an ownership in the entity developing the project, that same information must be provided;
 - Financial summary for the proposed project; and
 - Background, reputation and expertise of the proposer in designing, developing and operating marijuana or other businesses similar to the project proposed in the City.
- **Equity:**
 - Diversity plan to promote and encourage full participation in the regulated marijuana industry;
 - Plan to positively impact areas of disproportionate impact pursuant to 935 CMR 500.101;
 - If applicable, statement reflecting that the proposer is a Commission-certified Economic Empowerment Applicant pursuant to 935 CMR 500.101 and/or Commission-certified Social Equity Applicant pursuant to 935 CMR 500.105.
 - If not Commission-Certified Economic Empowerment Applicant or Social Equity Applicant, a statement reflecting extent to which Proposal includes the following:
 - A majority of ownership, and/or current employees/sub-contractors is/are: Black, African American, Hispanic, Latino, members of other underrepresented communities, women, veterans, or people with disabilities;
 - Residency of owner in a Commission-designated area of disproportionate impact (including City);

- Prior, nonviolent drug conviction(s) (*This information was ONLY used to evaluate a proposer's equity qualifications*); or
- Plans/programs demonstrating active engagement in economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
- Plans/programs intending to facilitate future business practices that promote economic empowerment in areas of disproportionate impact within the City, including the use of an incubator or accelerator program to aid limited net worth equity applicants who wish to enter the adult use industry.
- Description detailing proposer's promotion of sustainable, socially and economically reparative practices in the cannabis industry.
- **Community Outreach and Cooperation:**
 - A summary of the Community Outreach Meeting that includes:
 - The date, time and location of the meeting;
 - A list of the attendees;
 - A description of efforts to publish and market the meeting;
 - A summary of notes taken at the meeting, reflecting citizen comments; and
 - If any, a summary of follow-up taken by the proposer to respond to public comments
 - A summary of cooperation with City personnel and the community.

A total of twenty-four (24) responses were submitted to the Phase 2 RFP/Q. This included five (5) responses for cultivation, two (2) for transport/courier and seventeen (17) storefront retail operations. Reviewing the submissions was selection committee set up by the Mayor, in conjunction with the City Council. This selection committee was made up with representatives from the Springfield Department of Health & Human Services, Police Department, Fire Department, Department of Public Works, Building Department, Law Department, Mayors Office, Office of Procurement, Division of Administration & Finance, a representative of the City Council and the Office of Planning & Economic Development. To ensure procedural fairness, the City again utilized the services of its outside expert legal consultant during the review process. It should also be noted that the RFQ/P process also included public presentations (via Zoom) by a number of the proposers.

After a full review, the responses were then ranked. Based on these rankings it was determined that a total of nine (9) submissions would be allowed to move forward with the negotiation of a Host Community Agreement (HCA). These included one (1) cultivation site, six (6) storefront/retail operations, one (1) transportation operation and one (1) courier. In addition to the HCA being approved by the City Council, as per the Zoning Regulations, a special permit is also required to be approved.

Review: 299 Page Boulevard:

As noted above, 299 Page Boulevard has been identified as the potential location for a proposed Adult Use Marijuana Cultivation Establishment. The plans submitted show the construction of a new 46,984 square foot, single-story building. This new building would be located in the rear of the Springfield Police Training Academy.

The plans submitted show that the proposed use would have access from both Page Boulevard and Guion Street. The Page Boulevard entrance would be used to access a proposed forty-eight (48) space parking lot. This number exceeds the number required under the Zoning Regulations. It should be noted that much of the

proposed parking lot will be located on the adjacent property known as 271 Page Boulevard. The entrance on Guion Street would be used for commercial access for shipping and deliveries.

In addition to the site plan, detailed floor plans have also been submitted. The interior of the building will house a number of different areas including offices, security room, staff lounge, a number of growing/flowering and drying rooms. The interior of the building will also house cutting rooms, storage areas and vault.



A full detailed security plan has also been submitted. As noted, the Springfield Police Department has been involved throughout this entire process and has reviewed the security plans. The plan includes a number of security and safety measures including closed circuit television system, both inside and outside the facility. The security also includes an alarm system and access control. In addition to the security plan a full management and operations plan has also been submitted which includes details on the policies and procedures for the cultivation operation. Further, it should be noted that this will only be a cultivation operation. There will be no retail sales done at this location.

Further, as part of the submission, the petitioners were required to submit a traffic study. Those studies were then sent to the Department of Public Works (DPW) for a full review. In speaking with the Director of DPW, he had no major concerns. Since this will be the first cultivation operation in the city, the staff would recommend that, if approved, the petitioner be required to work directly with DPW to review any traffic related issues, especially during the opening of the operation.

Lastly, one of the major concerns that the staff has with the proposed use is odor control. While this site is located within an industrial area, there are homes located to the north of this property as well as along the west side of Page Boulevard. As part of the submission, the petitioner has submitted a detailed odor mitigation plan. The plan includes “odor control rooms” which will not have “...windows or other openings to allow for the release air. These “odor control rooms” will also have strict access procedures. Lastly, a carbon filtration system will be installed in each room. The information submitted indicate that “...carbon filtration systems are widely considered to be the best cannabis odor solution in facilities nationwide, as they utilize pellets of charcoal to trap terpenes as air passes through “carbon scrubbers” installed in the ducting”.

In addition to the special permit, a Host Community Agreement is required as well as a full review, approval and licensing of this proposed use by the Massachusetts Cannabis Control Commission.

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

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (cultivation) on a portion of the property known as 299 Page Boulevard (09440-1100).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
4. The petitioner shall obtain a Host Community Agreement prior to the issuance of a Certificate of Occupancy.
5. Prior to start of operations, the petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
6. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
7. The petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
8. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
9. There shall be no retail sales done at this location.
10. There shall be no outside storage of marijuana or marijuana related products.
11. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
12. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
13. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
14. The petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
15. If during the initial opening period, but no longer than six (6) months, the City determines that vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
16. The petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
17. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
18. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
19. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
20. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
21. The site shall be maintained and kept free of all litter and debris.
22. All landscaped areas shall be maintained.
23. The public sidewalk along Page Boulevard shall be maintained, including snow removal.
24. All required permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
25. Any and all required permits from the DPW and the Building Department shall be obtained prior to the

start of any construction.

26. Any and all dumpsters shall be completely enclosed.
27. 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

10/6/2021

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 : 299 Page Boulevard
Petitioner : Page Cultivate, LLC
LandLord : DAL Page , LLC

A handwritten signature in black ink, reading "Christopher A. Caputo".

Christopher A. Caputo: Treasurer Collector

SPECIAL USE PERMITTING DRAWINGS

299 PAGE BOULEVARD - LOT 2 · SPRINGFIELD · MASSACHUSETTS

PAGE CULTIVATE, LLC

OCTOBER 15, 2021

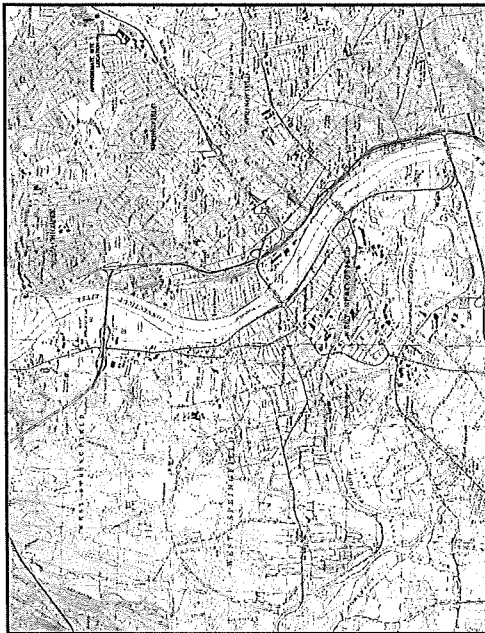
SHEET INDEX

SHEET No.	SHEET TITLE
GI-001	COVER SHEET
C1-01	GENERAL NOTES
C1-10	EXISTING CONDITIONS PLAN
C1-11	DEMOLITION PLAN
C1-12	EROSION AND SEDIMENT CONTROL PLAN
C1-20	SITE LAYOUT PLAN
C1-30	GRADING AND DRAINAGE PLAN
C1-40	SITE UTILITY PLAN
L1-00	LANDSCAPE PLAN
C3-00	EROSION & SEDIMENT CONTROLS DETAILS
C3-01 - C3-08	CONSTRUCTION DETAILS
C3-09	LANDSCAPE DETAILS
ES-001	ELECTRICAL GENERAL NOTES & DETAILS
ES-101	ELECTRICAL SITE PLAN
ES-102	ELECTRICAL PHOTOMETRIC PLAN

OWNER
PAGE CULTIVATE, LLC
299 PAGE BOULEVARD
SPRINGFIELD, MA 01104

PREPARED BY

FUSS & O'NEILL
1350 MAIN STREET, SUITE 400
SPRINGFIELD, MA 01103
413.452.0445
www.fussco.com

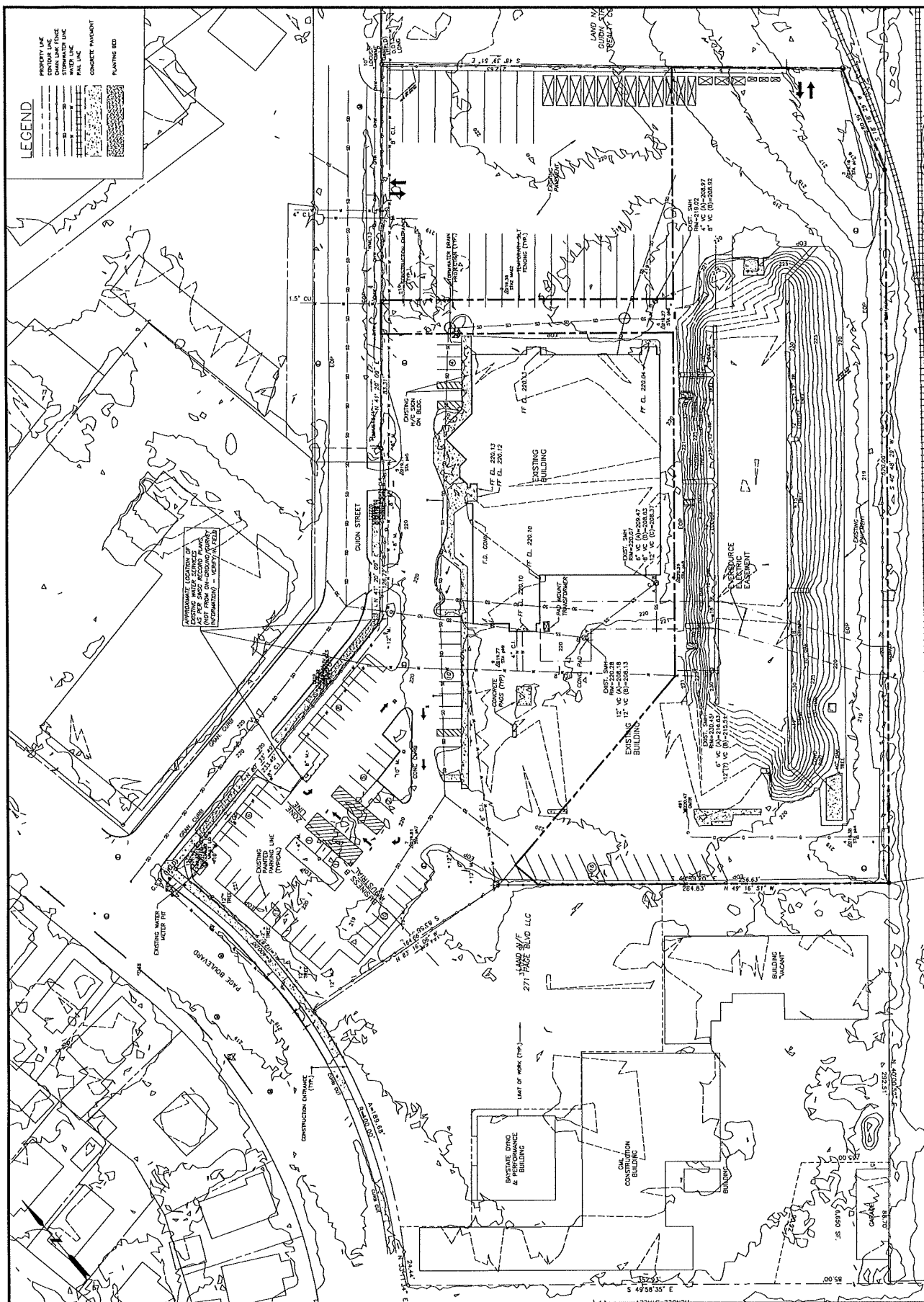


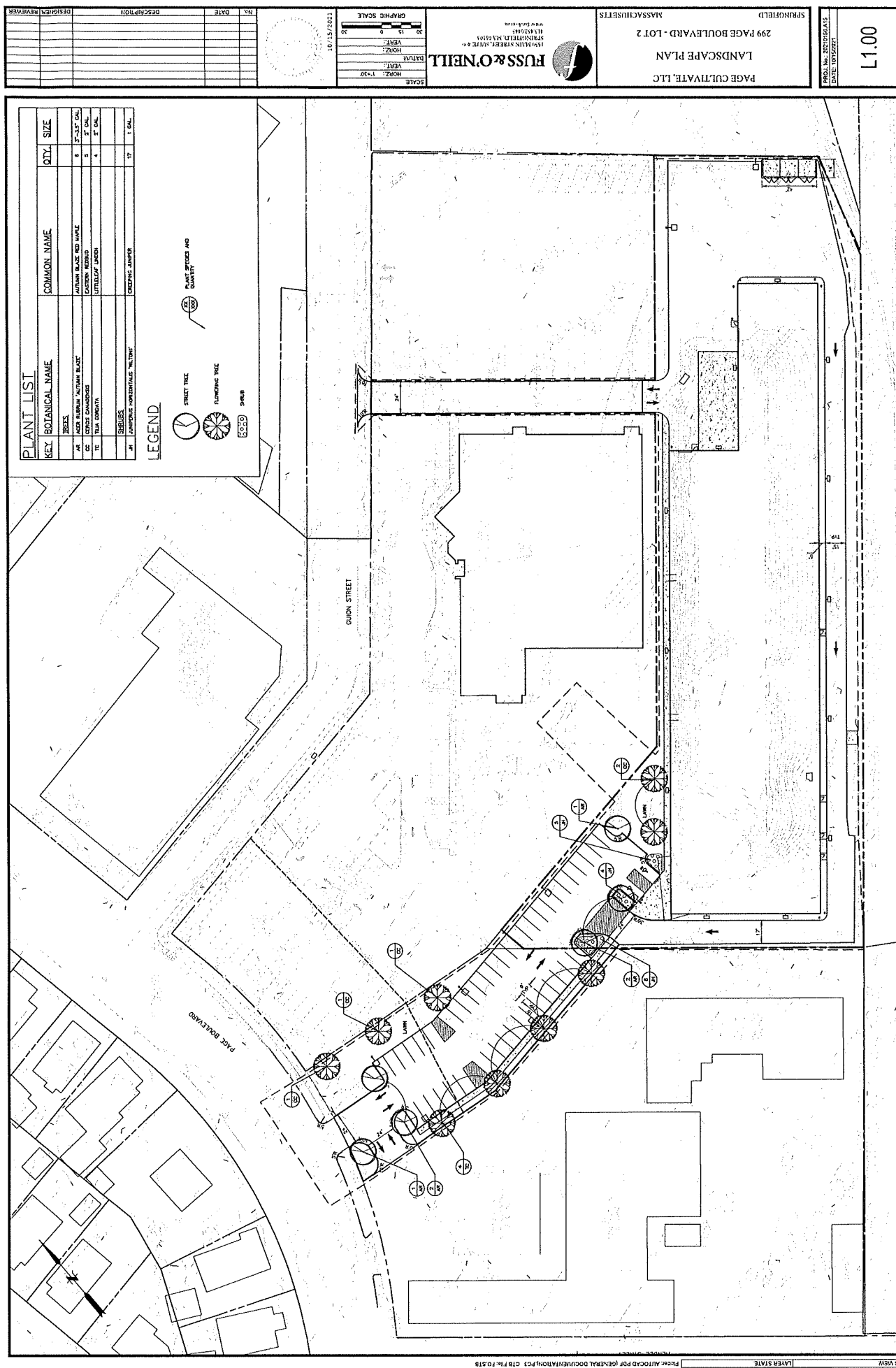
LOCATION MAP
SCALE: 1" = 1000'

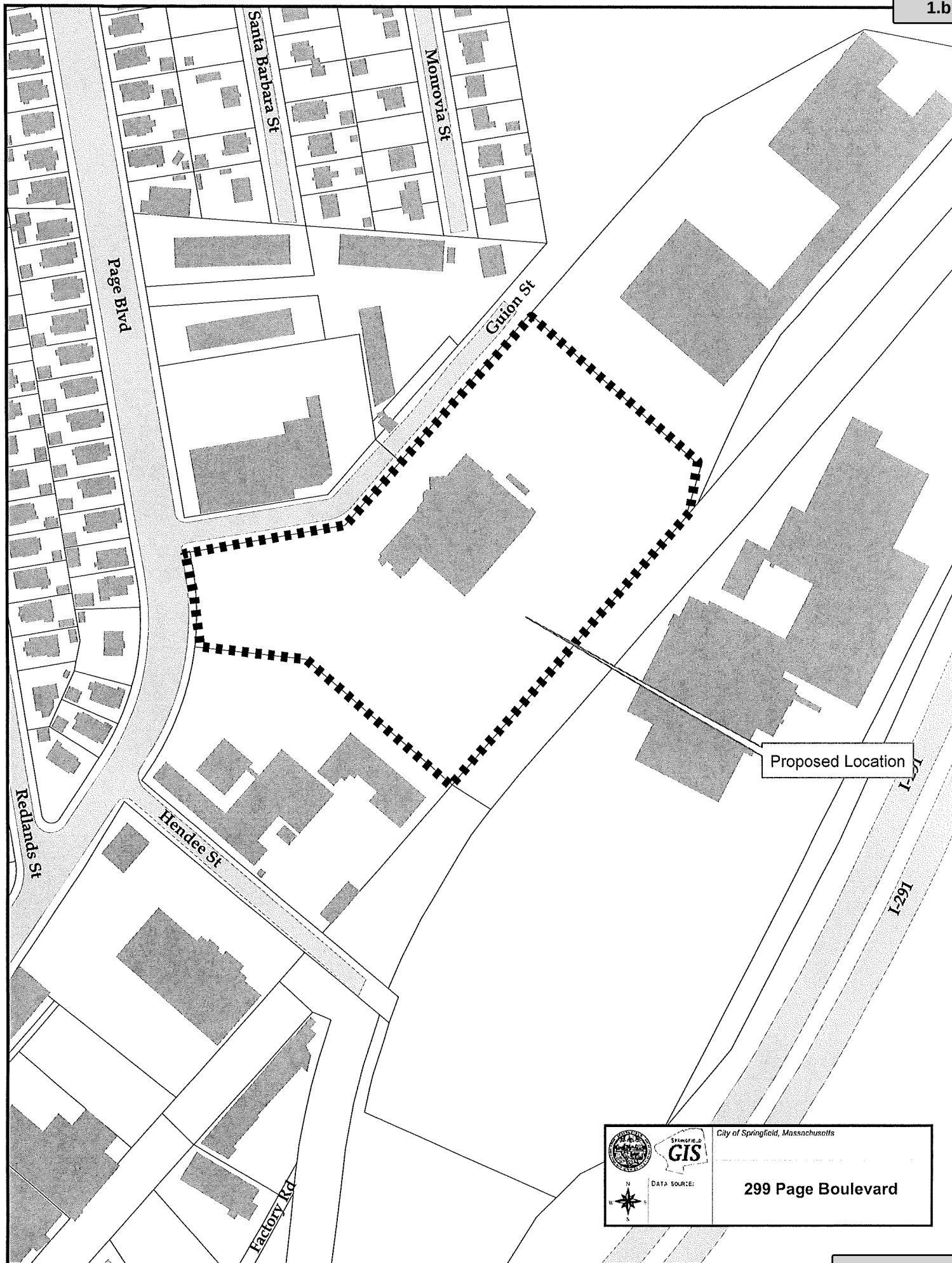
PROJ. NO.: 20210156-01
DATE: 10/15/2021

GI-001

1.b







Proposed Location



SPRINGFIELD
GIS

City of Springfield, Massachusetts

DATA SOURCE:

299 Page Boulevard

Robert P. Shewchuk, Esquire

Associate City Solicitor

36 Court Street, Room 210

Springfield, MA 01103

Tel: (413) 787-6511

Fax: (413) 787-6173

Email: rshewchuk@springfieldcityhall.com**THE CITY OF SPRINGFIELD, MASSACHUSETTS**

April 5, 2022

Springfield City Council

36 Court Street, Ste 200

Springfield, MA 01103

RE: ANR Change to 299 Page Blvd.

Councilors:

On or about March 21, 2022, the City Council requested a legal opinion concerning the validity of changes in the submission of an ANR (Approval Not Required) Plan for 299 Page Boulevard. In their original proposal, they had sought a Host Community Agreement that were compared to more recent changes submitted in May 2021 during the process of evaluating and selecting which applicants to award a Host Community Agreement.

The applicant submitted changes in follow-up discussions with the Office of Planning and Economic Development and the application of buffer zone requirements under our City Ordinances. The original ANR Plan submitted for the proposed cultivation building on Page Blvd. and a copy of the revised plan had been submitted for legal review.

The revised plan made changes to assure the proposal was outside the 250-foot buffer included in the Zoning Ordinance. The City's Zoning Ordinances provides that all Adult Use Marijuana establishments shall be required to obtain a Tier 3 Special Permit from the City Council. Additionally, Adult Use Marijuana establishments may not "be located within two hundred fifty (250) feet of a residence, a building containing residences (including commercial residential uses such as a hotel, motels, lodging houses, etc.), or a residential zoning district." City of Springfield, MA Zoning Ordinance. Section 4.7.114.

Changes to an ANR Plan during a permitting or approval process are not unusual. Under § 81P of the subdivision control law (G.L. c. 41, §§ 81k-81GG inclusive), an owner of land may secure from a planning board an endorsement on a plan of land that "approval under the subdivision control law [is] not required." G.L. c. 41, § 81P, as amended by St. 1963, c. 363, § 1. A planning board is bound to make such an endorsement unless the plan presented shows a subdivision. *Id.* That mandate steers the reader of the subdivision control law back to § 81L, which defines the term "subdivision," in part by what it is not.

Attachment: 299 Page Blvd ANR (6487 : 299 Page Boulevard)

Simply put, so long as the ANR Plan shows frontage along a public way that affords practical, safe, and efficient access, the duty required of the Planning Board under §§ 81L and 81P is ministerial in character. See *Hamilton v. Planning Bd. Of Beverly*, 35 Mass. App. Ct. 386, 389 (1993). A plan submitted for an ANR endorsement either has the requisite frontage or it does not. In the former case, the planning board should make the ANR endorsement, thereby giving notice that the Board is not concerned with the plan. As such, the Planning Board does not have discretion and the failure to provide an ANR endorsement can lead to liability.

This was the issue involved here. There was no discretion but to allow the modification. Under the circumstances, there could be no prejudice to any other applicants. However, the refusal to accept the ANR Plan modification could have greatly prejudiced the applicant seeking an HCA for 299 Page Blvd.

In addition to the special permit requested by 299 Page Blvd. to operate an Adult Use Marijuana Establishment (Marijuana Cultivator), five additional special permits were requested for Adult Use Marijuana ranging from Adult Use Marijuana Cultivation, Storefront, and Delivery. The special use permit for Adult Marijuana Delivery was requested by Tree N' Brick for an Adult Use Delivery permit. The original ANR Plan had a location of 250 Albany Street but had since planned to relocate the business to 1860 Main Street. Similar to 299 Page Blvd., the petitioner of Tree N' Brick also requested to amend its Host Community Agreement.

On or about March 21, 2022, all six special permits were discussed. 299 Page Blvd. was tabled due to the continued question regarding the validity of the changes to its submission and the remaining five special permits were approved. Considering the similarities between 299 Page Blvd. and Tree N' Brick, I believe the City could potentially be liable should the approval of 299 Page Blvd.'s permit be held up any longer. Both applicants were in front of the City Council for a Special Permit to operate Adult Use Marijuana establishments and both applicants had a change to their ANR Plan. The change made to 299 Page Blvd.'s ANR Plan was tabled and this opinion was requested, however the change to Tree N' Brick's ANR Plan was approved with no discussion regarding the change to the ANR Plan.

I hope this provides you with the clarification you were seeking. If you have any questions, do not hesitate to contact me.

Sincerely,



Robert P. Shewchuk
Associate City Solicitor

Attachment: 299 Page Blvd ANR (6487 : 299 Page Boulevard)

Robert P. Shewchuk, Esquire

Associate City Solicitor

36 Court Street, Room 210

Springfield, MA 01103

Tel: (413) 787-6511

Fax: (413) 787-6173

Email: rshewchuk@springfieldcityhall.com**THE CITY OF SPRINGFIELD, MASSACHUSETTS**

April 5, 2022

Springfield City Council
 36 Court Street, Ste 200
 Springfield, MA 01103

RE: ANR Change to 299 Page Blvd.

Councilors:

On or about March 21, 2022, the City Council requested a legal opinion concerning the validity of changes in the submission of an ANR (Approval Not Required) Plan for 299 Page Boulevard. In their original proposal, they had sought a Host Community Agreement that were compared to more recent changes submitted in May 2021 during the process of evaluating and selecting which applicants to award a Host Community Agreement.

The applicant submitted changes in follow-up discussions with the Office of Planning and Economic Development and the application of buffer zone requirements under our City Ordinances. The original ANR Plan submitted for the proposed cultivation building on Page Blvd. and a copy of the revised plan had been submitted for legal review.

The revised plan made changes to assure the proposal was outside the 250-foot buffer included in the Zoning Ordinance. The City's Zoning Ordinances provides that all Adult Use Marijuana establishments shall be required to obtain a Tier 3 Special Permit from the City Council. Additionally, Adult Use Marijuana establishments may not "be located within two hundred fifty (250) feet of a residence, a building containing residences (including commercial residential uses such as a hotel, motels, lodging houses, etc.), or a residential zoning district." City of Springfield, MA Zoning Ordinance. Section 4.7.114.

Changes to an ANR Plan during a permitting or approval process are not unusual. Under § 81P of the subdivision control law (G.L. c. 41, §§ 81k-81GG inclusive), an owner of land may secure from a planning board an endorsement on a plan of land that "approval under the subdivision control law [is] not required." G.L. c. 41, § 81P, as amended by St. 1963, c. 363, § 1. A planning board is bound to make such an endorsement unless the plan presented shows a subdivision. *Id.* That mandate steers the reader of the subdivision control law back to § 81L, which defines the term "subdivision," in part by what it is not.

Attachment: 299 Page Blvd ANR (6487 : 299 Page Boulevard)

Simply put, so long as the ANR Plan shows frontage along a public way that affords practical, safe, and efficient access, the duty required of the Planning Board under §§ 81L and 81P is ministerial in character. See *Hamilton v. Planning Bd. Of Beverly*, 35 Mass. App. Ct. 386, 389 (1993). A plan submitted for an ANR endorsement either has the requisite frontage or it does not. In the former case, the planning board should make the ANR endorsement, thereby giving notice that the Board is not concerned with the plan. As such, the Planning Board does not have discretion and the failure to provide an ANR endorsement can lead to liability.

This was the issue involved here. There was no discretion but to allow the modification. Under the circumstances, there could be no prejudice to any other applicants. However, the refusal to accept the ANR Plan modification could have greatly prejudiced the applicant seeking an HCA for 299 Page Blvd.

In addition to the special permit requested by 299 Page Blvd. to operate an Adult Use Marijuana Establishment (Marijuana Cultivator), five additional special permits were requested for Adult Use Marijuana ranging from Adult Use Marijuana Cultivation, Storefront, and Delivery. The special use permit for Adult Marijuana Delivery was requested by Tree N' Brick for an Adult Use Delivery permit. The original ANR Plan had a location of 250 Albany Street but had since planned to relocate the business to 1860 Main Street. Similar to 299 Page Blvd., the petitioner of Tree N' Brick also requested to amend its Host Community Agreement.

On or about March 21, 2022, all six special permits were discussed. 299 Page Blvd. was tabled due to the continued question regarding the validity of the changes to its submission and the remaining five special permits were approved. Considering the similarities between 299 Page Blvd. and Tree N' Brick, I believe the City could potentially be liable should the approval of 299 Page Blvd.'s permit be held up any longer. Both applicants were in front of the City Council for a Special Permit to operate Adult Use Marijuana establishments and both applicants had a change to their ANR Plan. The change made to 299 Page Blvd.'s ANR Plan was tabled and this opinion was requested, however the change to Tree N' Brick's ANR Plan was approved with no discussion regarding the change to the ANR Plan.

I hope this provides you with the clarification you were seeking. If you have any questions, do not hesitate to contact me.

Sincerely,



Robert P. Shewchuk
Associate City Solicitor

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

for a special permit for a mixed-use (commercial/residential) building at the property known as 443 State Street (11110-0570) (Book#3097/Page#457), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 2.4 and Table 4-2.

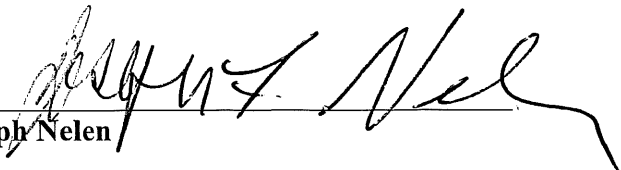
Mailing Address:

PO Box 5725
 Springfield, MA 01101

Owner:

Nelen Associates Reality Trust

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

BY: 

Joseph Nelen

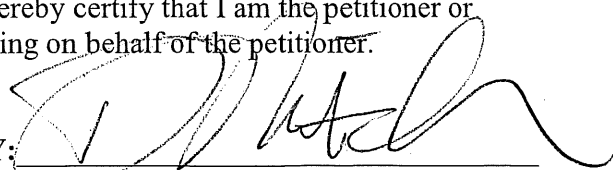
Mailing Address:

36 Forest Park Avenue
 Springfield, MA 01108

Petitioner:

Renaissance Development, LLC

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

BY: 

Donald Mitchell

Attachment: State St 443 Tax Formal (6712 : 443 State Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

03/23/2022

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 : 443 State Street
Petitioner: Nelen Associates Reality Trust
Landlord : Renaissance Development, LLC


Christopher A Caputo / Treasurer Collector

Attachment: State_St_443_Tax_Formal (6712 : 443 State Street)

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

to amend an existing special permit (mechanical public car wash), granted May 2014 and amended June 2021, by allowing a change to the approved site plan by expanding to the property known as 9 York Street (12605-0046) (Book #23840/Page#39) at the property now known as 693-703 East Columbus Avenue (04303-0588) (Book#20355/Page#100), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(2).

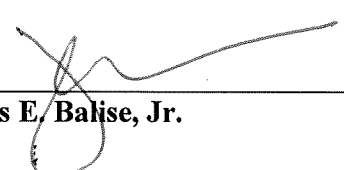
Mailing Address:

122 Doty Circle
 West Springfield, MA 01089

Owner:

**Columbus Avenue Realty, LLC & York
 Street II, LLC**

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

BY: 

James E. Balise, Jr.

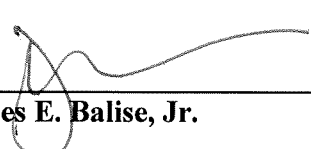
Mailing Address:

122 Doty Circle
 West Springfield, MA 01089

Petitioner:

James E. Balise, Jr.

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

By: 

James E. Balise, Jr.

Attachment: 9_York_St_Tax_Form (6726 : 9 York Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

04/06/2022

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 : 9 York Street, & 693-703 East Columbus Avenue

Petitioner: James E. Balise Jr.

Landlord : Columbus Avenue Realty, LLC & York Street II, LLC

A handwritten signature in black ink, reading "Christopher A. Caputo". The signature is written in a cursive style with a large, stylized "C" and "A".

Christopher A Caputo / Treasurer Collector

Attachment: 9_York_St_Tax_Formal (6726 : 9 York Street)

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

to amend and existing special permit (motor vehicle service/sales), granted March 2021, by allowing a change to the petitioner for the motor vehicle sales portion of the operation at the properties known as 484 Boston Road (01655-0083), 472 Boston Road (01655-0081) and NS Boston Road (01655-0085 & 0086), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.41.

Mailing Address:

592 Birnie Avenue
 West Springfield, MA 01089

Owner:

Springfield Boston Road Bld. LLC

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

By: 
Sanjay Patel

Mailing Address:

93 South Maple Street
 Westfield, MA 01085

Petitioner:

Crowns Trading, Inc.

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

By: 
Mohammad Abdul Wahid

Attachment: 484_Boston_Rd_Tax_Formal (6739 : 484 Boston Road, Et.Al.)



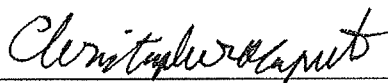
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

04/14/2022

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 : 484 , 472 & NS Boston Road
Petitioner: Crowns Trading, Inc.
Landlord : Springfield Boston Road Bld. LLC



Christopher A Caputo / Treasurer Collector

Attachment: 484_Boston_Rd_Tax_Form (6739 : 484 Boston Road, Et.Al.)

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

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) on a portion of the properties known as SS Boston Road (01655-0693)(Book#20507/Page#593), WS Lamont Street (07470-0003) (Book#20507/Page#593) and ES Morton Street (08860-0124) (Book#20507/Page#593), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

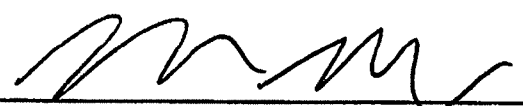
Mailing Address:

2622 Helena Street
Houston, TX 77006

Owner:

Nicholas Graham

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

BY: 

Nicholas Graham

Mailing Address:

144 King Street
Northampton, MA 01060

Petitioner:

KUR Retailers, LLC

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

BY: _____

Robert McKinley

Attachment: Boston_Rd_SS_Tax_Format (6745 : SS Boston Road, Et.Al.)

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

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) on a portion of the properties known as SS Boston Road (01655-0693)(Book#20507/Page#593), WS Lamont Street (07470-0003) (Book#20507/Page#593) and ES Morton Street (08860-0124) (Book#20507/Page#593), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Mailing Address:

2622 Helena Street
Houston, TX 77006

Owner:

Nicholas Graham

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

BY: _____
Nicholas Graham

Mailing Address:

144 King Street
Northampton, MA 01060

Petitioner:

KUR Retailers, LLC

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

BY: _____
Robert McKinley

Attachment: Boston_Rd_SS_Tax_Formal (6745 : SS Boston Road, Et.Al.)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

04/21/2022

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 : SS Boston Rd, WS Lamont St.& ES Morton St.

Petitioner: KUR Retailers, LLC

Landlord : Nicholas Graham

A handwritten signature in cursive script, reading "Christopher A. Caputo".

Christopher A Caputo / Treasurer Collector

Attachment: Boston_Rd_SS_Tax_Formal (6745 : SS Boston Road, Et.Al.)

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

for a special permit for motor vehicle sales at the property known as 961 East Columbus Avenue (04303-0548)(Book#4303/Page#548), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.1.

Mailing Address:

67 Stockbridge Street
Hadley, MA 01035

Owner & Petitioner:

Jermey D. Ober

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

BY: Jermey D. Ober
Jermey D. Ober

Attachment: E_Columbus_Ave_961_Tax_Formal (6750 : 961 E Columbus Avenue)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

04/25/2022

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 : 961 East Columbus Avenue

Petitioner: Jeremy D. Ober

Landlord : Jeremy D. Ober

Christopher A Caputo / Treasurer Collector

Attachment: E_Columbus_Ave_961_Tax_Formal (6750 : 961 E Columbus Avenue)

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

for a dimensional special permit for the reduction of the rear and side yards at the properties known as SS Morris Street (08850-0046, 0038, 0037 & 0036) (Book#10057 & 6236/Page#256 & 435), SS Morris Street (08850-0035) (Book#21750/Page#555), NS Morris Street (08850-0013, 0016, 0018 & 0019) (Book#23055/Page#33), NS Central Street (02560-0009) (Book#10057 & 6236/Page#258 & 435), NS Central Street (02560-0010) (Book#10057 & 6236/Page#259 & 435), NS Central Street (02560-0013 & 0015) (Book#10057 & 6236/Page#256 & 435) and NS Central Street (02560-0017 & 0019) (Book#377/Page#126), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 12, Section 12.5 and Table 12-1.

Mailing Address:

36 Court Street
 Springfield, MA 01103

Owner:

City of Springfield

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

By: Christopher Caputo
 Christopher Caputo, City Collector –
 Treasurer

Mailing Address:

261 Oak Grove Avenue
 Springfield, MA 01109

Petitioner:

Home City Development, Inc.

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

By: Thomas P. Kegelman
 Thomas P. Kegelman

Attachment: Morris_St_SS_Tax_Formal_May_2022 (6774 : SS Morris Street, Et.Al.)



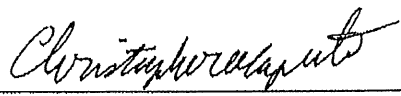
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

03/08/2022

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 : Properties Zoned by Home City Development, Inc. See Attached list
Petitioner: Home City Development, Inc.
Landlord : City of Springfield


Christopher A Caputo / Treasurer Collector

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

to change the zoning of the properties known 181 State Street (11110-0625), SS Maple Street (08218-0014), ES Willow Street (12310-0049), 18-22 Willow Street (12310-0008), 11-21 Stockbridge Street (11190-0044), 9 Stockbridge Street (11190-0047), 1091 Main Street (08130-0577), 24 Park Street (09497-0010), 11 Park Street (09497-0053), SS Park Street (09497-0054), NS Union Street (11750-0036, 0034 & 0038), 130 Union Street (11750-0032), 128 Union Street (11750-0031) and 1021 Main Street (08130-0584) from Business B to Business C.

Mailing Address:

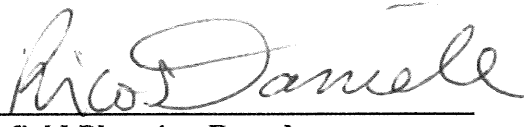
36 Court Street
 Springfield, MA 01103

Petitioner:

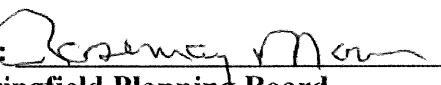
Springfield Planning Board

BY: 

Springfield Planning Board

BY: 

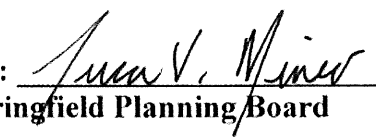
Springfield Planning Board

BY: 

Springfield Planning Board

BY: 

Springfield Planning Board

BY: 

Springfield Planning Board

BY: _____

Springfield Planning Board

BY: _____

Springfield Planning Board

BY: _____

Springfield Planning Board

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE

COURT SQUARE URBAN RENEWAL PLAN
BUSINESS B TO BUSINESS C

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	Business B to Business C
Location:	The area generally bounded by State Street, Main Street, Willow Street, Stockbridge Street, Park Street and Union Street.
Parcel Size:	N/A
Purpose:	The purpose of the proposed zone change is to align the current zoning of the referenced parcels for conformity within the Metro Center area, from Business B to Business C and to implement this important objective from the original amendment to the Court Square Urban Renewal Plan. The changes will create consistency in the district and further promote development complementary for the downtown.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Planning Board Hearing:	4-6-22

SPECIAL INFORMATION

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

ANALYSIS

The Springfield Redevelopment Authority (SRA), through the Springfield Planning Board is requesting to amend a number of properties, generally bounded by State Street, Main Street, Willow Street, Stockbridge Street, Park Street and Union Street, from Business B to Business C.

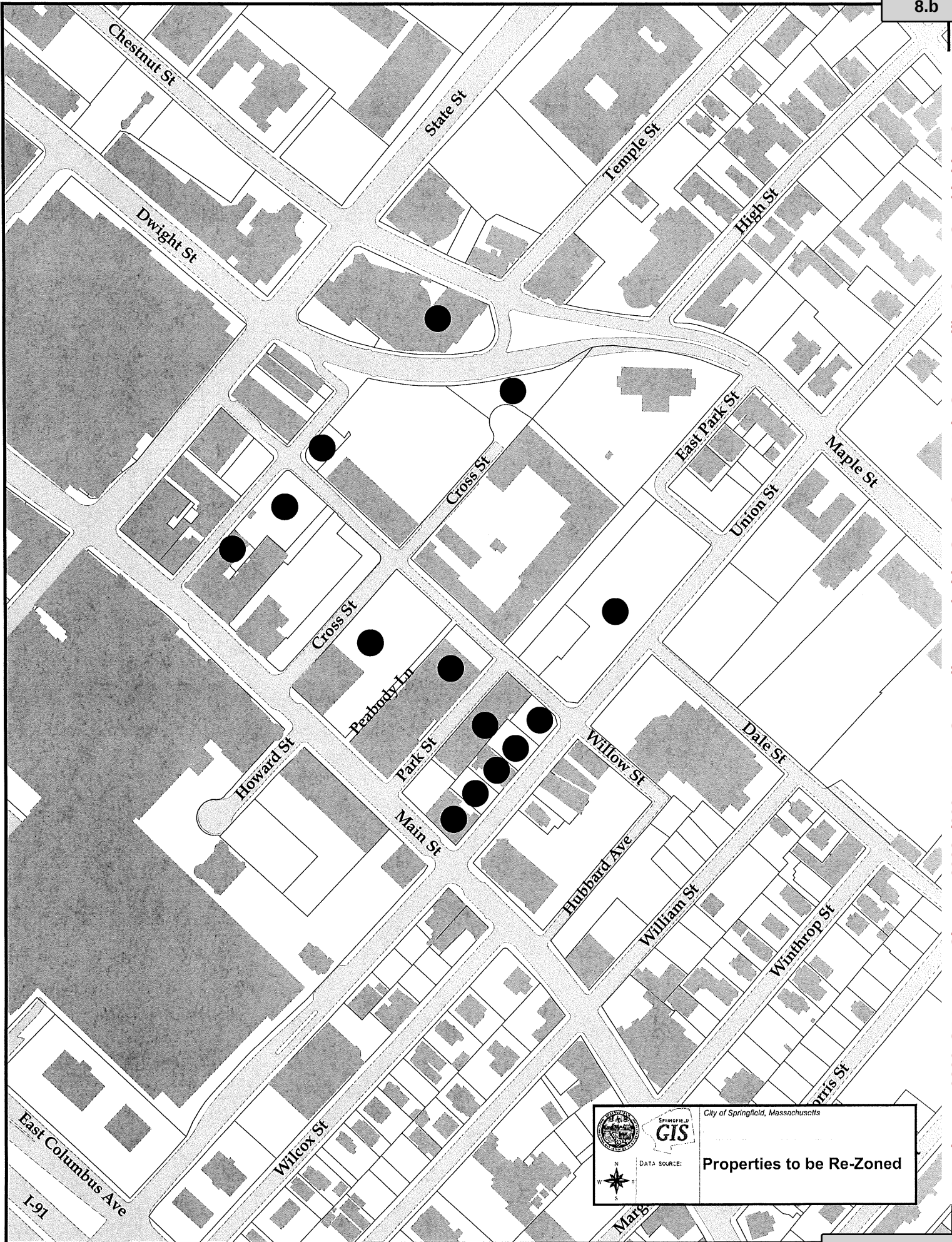
Currently the SRA is in the process of completing a complete review of the Court Square Urban Renewal Plan originally adopted back in 1970. Over the years, there have been a number of amendments to this plan, the last being a minor plan change in 2021. In reviewing the plans, it was noted that there have been several key zone change recommendations outlined in the plan that were never completed.

As noted above, the purpose of the proposed zone change is to align the current zoning of the referenced parcels for conformity within the Metro Center area, from Business B to Business C and to implement this important objective from the original amendment to the Court Square Urban Renewal Plan. The changes will also create consistency in the district and further promote development complementary for the downtown.

After a full review, the staff supports the proposed change. The staff agrees that the proposed change is consist with the surrounding properties and that the Business C zoning district is more appropriate to this area than Business B. It is important to note that the proposed change will not have any effect in any existing, legally permittee business.

RECOMMENDATION

Approve.



Attachment: 3229_SRA_Zone_Change_2022 (6694 : Area Generally Bounded by State Street, Main Street, Willow Street, Stockbridge Street,