



CITY COUNCIL

City Clerk's Office 1/28/2022

Special 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 **Tuesday February 1, 2022** at 05:30 PM.

City Clerk

Call to Order

5:30 PM Meeting called to order on February 1, 2022 at Virtual Meeting (Zoom) , Virtual Meeting, N/A, NA.

Zoning Changes

- (2.) To Change the Zoning of the Property Known as 797 Berkshire Avenue (01340-0402) and Rear Berkshire Avenue (01340-0356) from Business a to Business B. 797 Berkshire Avenue. Et. Al. None Yet

PETITIONER: 1626 Bay Street, LLC

ADDRESS: 797 Berkshire Avenue. et.al.

CHANGE REQUESTED: Bus A to Bus B

Special Permits

- (3.) For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 1685 Boston Road (01655-0415) (Book#21891/Page#196) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1.

Request: See Above
Owner: 1685 Boston Road, LLC
By: Chuck Breidenbach
Petitioner: Diem Springfield, LLC
By: Christopher Mitchem/Luiselis Hernandez

ATTACHMENTS:

- Boston_Rd_1685_Tax_Formal_Retail (PDF)
- Boston_Rd_1685_Adult_Use_2021 (PDF)

- (4.) For a Special Permit to Operate an Adult Use Marijuana Establishment (Marijuana Cultivation) at the Property Known as 1685 Boston Road (01655-0415) (Book#21891/Page#196) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.2.

Request: See Above

Owner: 1685 Boston Road, LLC
By: Chuck Breidenbach
Petitioner: Diem Springfield, LLC
By: Christopher Mitchem/Luiselis
Hernandez

ATTACHMENTS:

- Boston_Rd_1685_Tax_Formal_Cultivation (PDF)
- Boston_Rd_1685_Adult_Use_2021 (PDF)

- (5.) For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 479 Main Street, I.O. (08132-0172) (Book#07157/Page#0528), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: Linden Shopping Center, Inc.
By: Mark Melikian
Petitioner: Enlight Cannabis Dispensary
By: Matt Yee, Chief Operating Officer

ATTACHMENTS:

- Main_St_IO_479_Adult_Use_Tax_Formal (PDF)
- Main_St_479_IO_Adult_Use_Jan_2022 (PDF)

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

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 1685 Boston Road (01655-0415) (Book#21891/Page#196) as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.2.

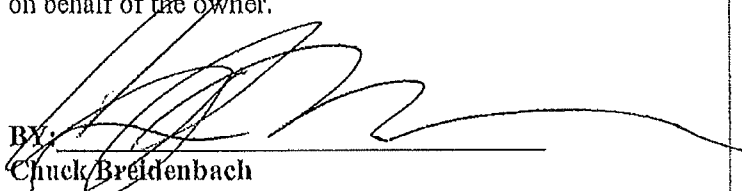
Mailing Address:

Three Garret Mountain Plaza, Suite 204
 Woodland Park, NJ 07424

Owner:

1685 Boston Road, LLC

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

BY: 
 Chuck Breidenbach

Mailing Address:

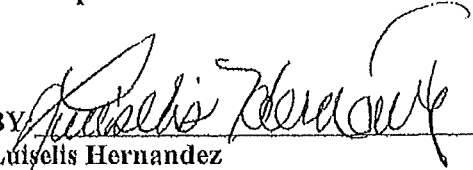
74 Grafton Street
 Worcester, MA 01604

Petitioner:

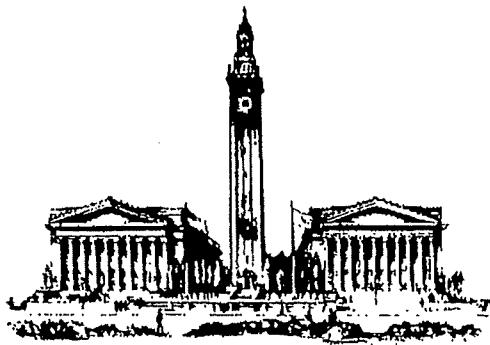
Diem Springfield, LLC

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

BY: 
 Christopher Mitchem

BY: 
 Luiselis Hernandez

Attachment: Boston_Rd_1685_Tax_Formal_Retail (6516 : 1685 Boston Road)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

10/19/2021

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 : 1685 Boston Road
Petitioner : Diem Springfield, LLC
LandLord : 1685 Boston Road, LLC

Christopher A. Caputo: Treasurer Collector

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

**1685 BOSTON ROAD (01655-0415)
ADULT USE MARIJUANA ESTABLISHMENT (RETAIL/CULTIVATION)
DIEM SPRINGFIELD, LLC**

General Information

Petitioner:	Diem Springfield, LLC
Request:	Adult Use Marijuana Establishment (retail/cultivation)
Proposed use of the property:	Adult Use Marijuana Establishment (retail/cultivation)
Parcel Size:	307,272 s.f.
Compatibility with current planning documents:	The Boston Road Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Indian Orchard Neighborhood Council:11-30-21
Tax Status:	SEE ATTACHED
Site Visit:	12-6-21
Hearing Date:	12-13-21/12-20-21

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is part of the larger Eastfield Mall complex. The site itself is surrounded by other larger retail operations.

Summary:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (retail/cultivation) on a portion of the property known as 1685 Boston Road. This site is the location of the former Macy's department store and has been closed for a number of years. The plans submitted show the conversion of the existing retail space into a cultivation and retail operation.

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 Host 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 a 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. It should be noted that with regards to Diem Springfield, LLC, they were selected to move forward with the retail portion of the project but were not selected for cultivation.

Further, 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: 1685 Boston Road

As noted above, 1685 Boston Road has been identified as the potential location for a proposed Adult Use Marijuana Retail and Cultivation Establishment. The plans submitted show the conversion of the existing 126,000± square foot commercial space into a retail and cultivation operation. The information submitted indicates the cultivation operation will be approximately 100,000 square feet.

The plans submitted show that the proposed retail operation would be located at the front of the building with the cultivation operation located in the rear. With regards to parking, the proposed development will have access to a parking area in front of the building which contains over five hundred (500) spaces. This number exceeds the number required under the Zoning Regulations.

In addition to the site plan, floor plans have also been submitted, however, the floor plan submitted was very

hard to read and only showed the first floor operations. As per the submitted plans the retail operation will be located at the front of the building with cultivation operation located in the rear. The interior of the building will house a number of different areas including a retail sales floor, waiting area, offices, security room, staff lounge, a number of growing/flowering rooms. The interior of the building will also house cutting rooms, storage areas and vaults. A shipping area is shown on the eastern side of the building. The floor plan also shows a future "consumption café", however, it needs to be stressed that on-site consumption is not currently allowed under the existing Zoning Regulations.



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 been submitted which includes details on the policies and procedures for the cultivation operation.

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. If approved, the staff would recommend that 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 a commercial area, odor is a concern for abutters as well other tenants operating with the mall. As part of the submission, the petitioner has submitted a detailed odor mitigation plan. The plan includes the Diem would institute a comprehensive odor control plan including the use of "Inline Air Carbon Filters and Ordo Control Air Scrubbers".

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 believes that Diem Springfield has provided a detailed outline of its proposal and has addressed all the concerns raised by the many city departments participating in the RFQ/P review.

With regards to the retail operation request, the staff does not oppose the proposed request, however, the staff cannot support the request for a cultivation operation. While the staff believes this site would be an appropriate location, with regards to land use, as noted above, the cultivation proposal was not chosen to move forward with the Host Community Agreement process. The staff would strongly recommend that the petitioner re-apply for this use in the next round of the RFQ/P but, at this time, the staff cannot support the cultivation request.

Recommendation (Retail)

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1685 Boston Road (01655-0415).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #28.
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 cultivation or manufacturing 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 queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
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. There shall be signage visible from outside of the building stating that only individuals twenty-one (21)

- years and older are allowed inside the establishment.
21. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
 22. The site shall be maintained and kept free of all litter and debris.
 23. All landscaped areas shall be maintained.
 24. The public sidewalk along Boston Road shall be maintained, including snow removal.
 25. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
 26. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
 27. The hours of operation shall be set by the City Council but in no case shall this operation be open to the public and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises between the hours of 9:00PM and 8:00AM.
 28. Any and all dumpsters shall be completely enclosed.
 29. 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.

Recommendation (Cultivation)

Not to approve.

Recommended Conditions: (IF APPROVED)

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) at the property known as 1685 Boston Road (01655-0415).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #25.
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 outside storage of marijuana or marijuana related products.
10. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
11. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively

- confined to the premises or so disposed of to avoid any increased air pollution.
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 19. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
 20. The site shall be maintained and kept free of all litter and debris.
 21. All landscaped areas shall be maintained.
 22. The public sidewalk along Boston Road shall be maintained, including snow removal.
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THE CITY OF
SPRINGFIELD, MASSACHUSETTS

10/19/2021

Special Permit Tax Certification

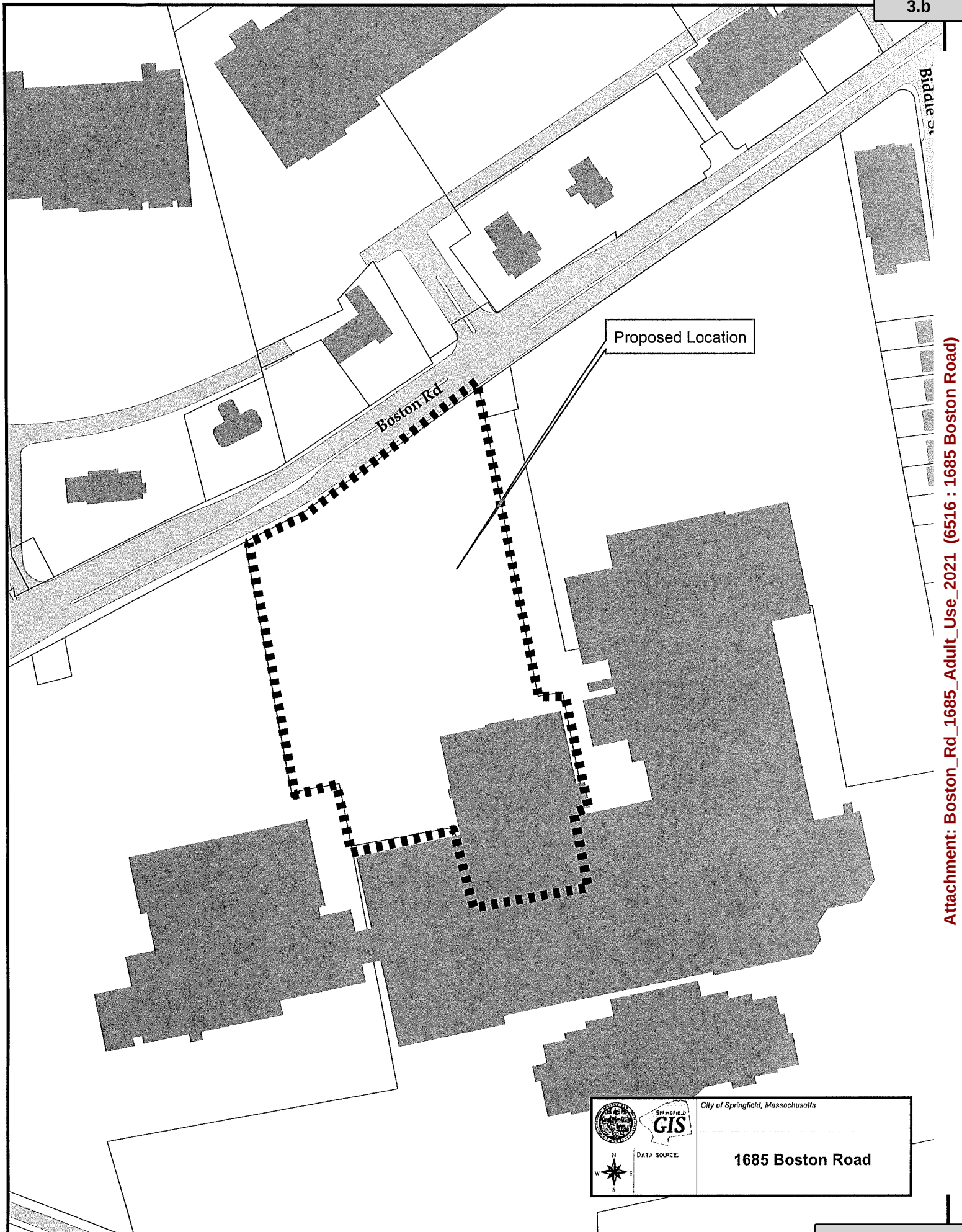
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Special Permit : 1685 Boston Road
Petitioner : Diem Springfield, LLC
LandLord : 1685 Boston Road, LLC

Christopher A. Caputo: Treasurer Collector

Attachment: Boston_Rd_1685_Adult_Use_2021 (6516 : 1685 Boston Road)





Attachment: Boston_Rd_1685_Adult_Use_2021 (6516 : 1685 Boston Road)

 SPRINGFIELD GIS	City of Springfield, Massachusetts
	1685 Boston Road

DATA SOURCE:

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 cultivation) at the property known as 1685 Boston Road (01655-0415) (Book#2189 l/Page#196) as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.2.

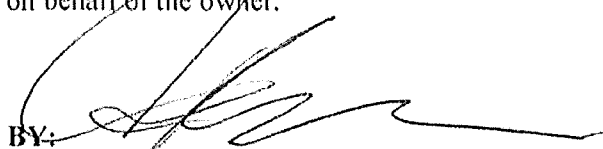
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BY: 

Chuck Breidenbach

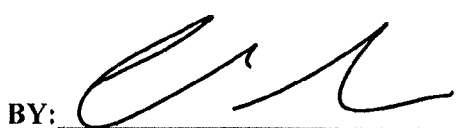
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74 Grafton Street
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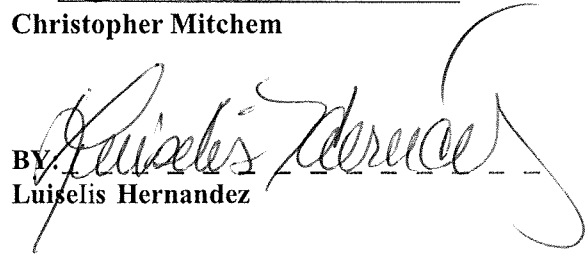
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Luiselis Hernandez

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

**1685 BOSTON ROAD (01655-0415)
ADULT USE MARIJUANA ESTABLISHMENT (RETAIL/CULTIVATION)
DIEM SPRINGFIELD, LLC**

General Information

Petitioner:	Diem Springfield, LLC
Request:	Adult Use Marijuana Establishment (retail/cultivation)
Proposed use of the property:	Adult Use Marijuana Establishment (retail/cultivation)
Parcel Size:	307,272 s.f.
Compatibility with current planning documents:	The Boston Road Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Indian Orchard Neighborhood Council:11-30-21
Tax Status:	SEE ATTACHED
Site Visit:	12-6-21
Hearing Date:	12-13-21/12-20-21

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is part of the larger Eastfield Mall complex. The site itself is surrounded by other larger retail operations.

Summary:

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to Chapter 334.

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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 Host 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 a 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. It should be noted that with regards to Diem Springfield, LLC, they were selected to move forward with the retail portion of the project but were not selected for cultivation.

Further, 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: 1685 Boston Road

As noted above, 1685 Boston Road has been identified as the potential location for a proposed Adult Use Marijuana Retail and Cultivation Establishment. The plans submitted show the conversion of the existing 126,000± square foot commercial space into a retail and cultivation operation. The information submitted indicates the cultivation operation will be approximately 100,000 square feet.

The plans submitted show that the proposed retail operation would be located at the front of the building with the cultivation operation located in the rear. With regards to parking, the proposed development will have access to a parking area in front of the building which contains over five hundred (500) spaces. This number exceeds the number required under the Zoning Regulations.

In addition to the site plan, floor plans have also been submitted, however, the floor plan submitted was very

hard to read and only showed the first floor operations. As per the submitted plans the retail operation will be located at the front of the building with cultivation operation located in the rear. The interior of the building will house a number of different areas including a retail sales floor, waiting area, offices, security room, staff lounge, a number of growing/flowering rooms. The interior of the building will also house cutting rooms, storage areas and vaults. A shipping area is shown on the eastern side of the building. The floor plan also shows a future "consumption café", however, it needs to be stressed that on-site consumption is not currently allowed under the existing Zoning Regulations.



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 been submitted which includes details on the policies and procedures for the cultivation operation.

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. If approved, the staff would recommend that 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 a commercial area, odor is a concern for abutters as well other tenants operating with the mall. As part of the submission, the petitioner has submitted a detailed odor mitigation plan. The plan includes the Diem would institute a comprehensive odor control plan including the use of "Inline Air Carbon Filters and Ordo Control Air Scrubbers".

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 believes that Diem Springfield has provided a detailed outline of its proposal and has addressed all the concerns raised by the many city departments participating in the RFQ/P review.

With regards to the retail operation request, the staff does not oppose the proposed request, however, the staff cannot support the request for a cultivation operation. While the staff believes this site would be an appropriate location, with regards to land use, as noted above, the cultivation proposal was not chosen to move forward with the Host Community Agreement process. The staff would strongly recommend that the petitioner re-apply for this use in the next round of the RFQ/P but, at this time, the staff cannot support the cultivation request.

Recommendation (Retail)

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1685 Boston Road (01655-0415).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #28.
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 cultivation or manufacturing 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 queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
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. There shall be signage visible from outside of the building stating that only individuals twenty-one (21)

- years and older are allowed inside the establishment.
21. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
 22. The site shall be maintained and kept free of all litter and debris.
 23. All landscaped areas shall be maintained.
 24. The public sidewalk along Boston Road shall be maintained, including snow removal.
 25. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
 26. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
 27. The hours of operation shall be set by the City Council but in no case shall this operation be open to the public and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises between the hours of 9:00PM and 8:00AM.
 28. Any and all dumpsters shall be completely enclosed.
 29. 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.

Recommendation (Cultivation)

Not to approve.

Recommended Conditions: (IF APPROVED)

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) at the property known as 1685 Boston Road (01655-0415).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #25.
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 outside storage of marijuana or marijuana related products.
10. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
11. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively

- confined to the premises or so disposed of to avoid any increased air pollution.
12. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
 13. The petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
 14. If during the initial opening period, but no longer than six (6) months, the City determines that vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
 15. The petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
 16. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
 17. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
 18. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
 19. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
 20. The site shall be maintained and kept free of all litter and debris.
 21. All landscaped areas shall be maintained.
 22. The public sidewalk along Boston Road shall be maintained, including snow removal.
 23. 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.
 24. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
 25. Any and all dumpsters shall be completely enclosed.
 26. 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

10/19/2021

Special Permit Tax Certification

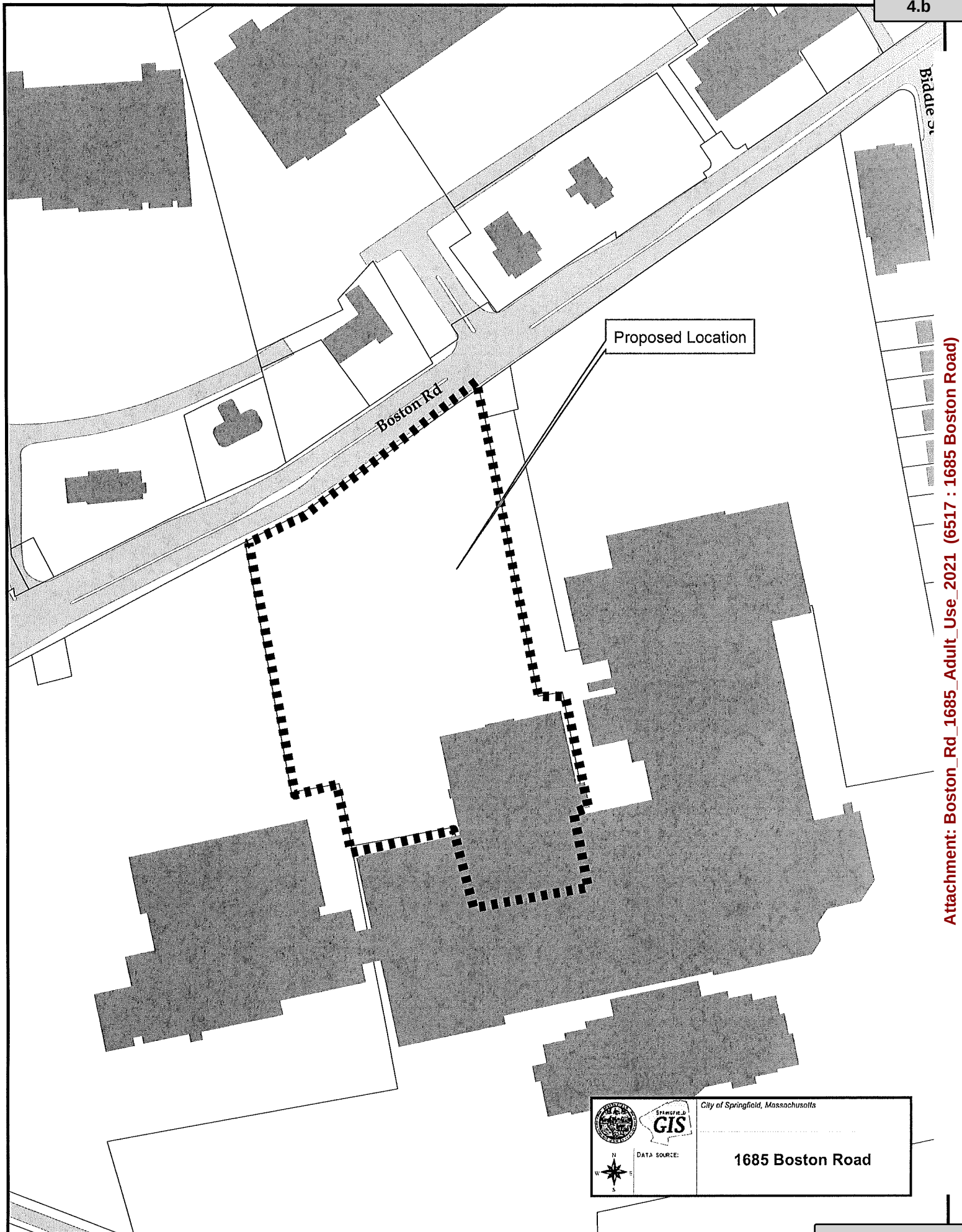
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 1685 Boston Road
Petitioner : Diem Springfield, LLC
LandLord : 1685 Boston Road, LLC

Christopher A. Caputo: Treasurer Collector

Attachment: Boston_Rd_1685_Adult_Use_2021 (6517 : 1685 Boston Road)





Attachment: Boston Rd 1685 Adult Use 2021 (6517 : 1685 Boston Road)

 SPRINGFIELD GIS	City of Springfield, Massachusetts
	1685 Boston Road

DATA SOURCE:

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

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 479 Main Street, I.O. (08132-0172) (Book#07157/Page#0528), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

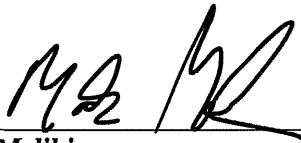
Mailing Address:

529 Main Street, IO
Springfield, MA 01151

Owner:

Linden Shopping Center, Inc.

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

BY: 

Mark Melikian

Mailing Address:

55 Frank B Murray Street
Springfield, MA 01103

Petitioner:

Enlite Cannabis Dispensary

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

BY: 

Matt Yee, Chief Operating Officer

Christopher A. Caputo
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS



December 20, 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: 479 Main Street Indian Orchard – (08132-0172)

Petitioner: Enlite Cannabis Dispensary
55 Frank B Murray Street
Springfield, MA 01103

Property Owner: Linden Shopping Center, Inc.
529 Main Street
Indian Orchard, MA 01151

A handwritten signature in cursive script, reading "Christopher A. Caputo", is written over a horizontal line.

Christopher A. Caputo: Treasurer/Collector

Attachment: Main_St_IO_479_Adult_Use_Tax_Formal (6564 : 479 Main Street, IO)

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

**479 MAIN STREET, I.O. (08132-0172)
ADULT USE MARIJUANA ESTABLISHMENT (STOREFRONT RETAIL)
ENLIGHT CANNABIS**

General Information

Petitioner:	Enlight Cannabis Dispensary
Request:	Adult Use Marijuana Establishment
Proposed use of the property:	Adult Use Marijuana Establishment
Parcel Size:	20,171 s.f.
Compatibility with current planning documents:	The Indian Orchard Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Indian Orchard Neighborhood Council: 1-10-22
Tax Status:	SEE ATTACHED
Site Visit:	1-18-22
Hearing Date:	1-24-22/2-7-22

Staff Analysis

Neighborhood characteristics:

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

- To the north are used car dealerships and a single family house zoned Business A.
- To the south is a commercial shopping plaza zoned Business A.
- To the west is an automotive repair facility zoned Business A.
- To the east is an office zoned Business A.

Summary:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 479 Main Street, Indian Orchard. This was the former location of a United Bank. The petitioner intends to make renovations to the existing building for a new Adult Use Marijuana retail location.

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).

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: 479 Main Street, IO

As noted above, 479 Main Street, I.O. has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story commercial building located along the Main Street, Indian Orchard commercial corridor. This was the former location of a United Bank.

The plans submitted show that the proposed use would be located within the existing building. It should be noted that there was a drive-up window at this location used for the bank, however, this will not be utilized for the new establishment. With regards to parking, the proposed development will have a total of twenty-two (22) parking spaces dedicated to the proposed use. This number exceeds the number required under the Zoning Regulations.

In addition to the site plan, a detailed floor plan has also been submitted. The area of the building totals approximately 2,560 square feet, however, as per the Zoning Ordinance, only 2,500 square feet can be open to the public. The interior of the building will house a number of different areas including an entrance vestibule, security room and display/queuing area. The interior will also include a vault and break room. Deliveries would be made to the rear of the building.



A full 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 security alarm system including a passive alarm and panics buttons. The proposed security also includes a full surveillance system both inside and outside the building. In addition to the security plan a full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

Further, it should be noted that this will only be a retail operation. There will be no cultivation/manufacturing done at this location.

Lastly, as part of the submission, the petitioners were required to submit a traffic study. Those studies were then sent to the Department of Public Works (DPW) for a full review. In speaking with the Director of DPW, he had no major concerns. Further, he also indicated that there is no significant traffic related issues with the two (2) other retail locations currently in operation. As with the previous special permits, the staff would recommend that, if approved, the petitioner be required to work directly with DPW to review and approve all traffic mitigation issues, especially during the opening of the operation.

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 Enlight Cannabis has provided a detailed outline of its proposal and has addressed all the concerns outlined by the many city departments participating in the RFQ/P review. The staff does not oppose the proposed request and does not believe the proposed use will have a negative impact on the surrounding properties or on the neighborhood as a whole.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 479 Main Street, I.O. (08132-0172).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #28.
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 cultivation or manufacturing 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 queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
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. There shall be signage visible from outside of the building stating that only individuals twenty-one (21) years and older are allowed inside the establishment.
21. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
22. The site shall be maintained and kept free of all litter and debris.
23. All landscaped areas shall be maintained.
24. The public sidewalk along Main Street shall be maintained, including snow removal.

25. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
26. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
27. The hours of operation shall be set by the City Council but in no case shall this operation be open to the public and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises between the hours of 9:00PM and 8:00AM.
28. Any and all dumpsters shall be completely enclosed.
29. 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.

1. THE RECORD OWNER OF THE SUBJECT PARCEL IS LINDEN SHOPPING CENTER, INC. SEE HAMPSHIRE COUNTY REGISTRY OF DEEDS.

- [illegible]

TYPE (MINIMUM)	REQUIRED	EXISTING
AREA	N/A	50.17 S.F.
PROTECTOR	N/A	20A-24
FRONT YARD	10 FT	39.7'
SIDE YARD	10.07 FT	17.6'
REAR YARD	10.07 FT	10.7'
HEIGHT (MAX)	10 FT (4 STORIES)	1 STORY
BUILDING COVERAGE (MAX)	75%	10%
REQUIRED PAVING (1 PER 1,000 S.F.)	0	16

ZONING ANALYSIS:

- ADULT USE MARLUANA ESTABLISHMENT IS AN ALLOWED USE WITHIN THE BUSINESS A ZONE
- MAIN STREET IN PINDER ORCHARD IS AN ALLOWED STREET FOR ADULT USE MARLUANA
- RETAILER AS PER EXHIBIT A LOS LOCUS PARCEL IS LOCATED UNDER THE NEAREST RESIDENTIAL CIRCUMSTANCE
- THE LOCUS PARCEL IS UTILIZED AS A DOWNTOWN BUILDING AS ENCOURAGED UNDER THE BUSINESS A ZONE
- THE LOCUS PARCEL IS LOCATED MORE THAN 500 FEET FROM THE NEAREST SCHOOL
- THE LOCUS PARCEL IS LOCATED MORE THAN 50 FEET FROM THE NEAREST RESIDENTIALLY ZONED PROPERTY



Site Locus/Overall Site Plan

479 Main Street
Indian Orchard (Springfield), Mass.
Assessors Parcel I.D. 081320172



PREPARED FOR:

Rate 11C

459 Main Street
Indian Orchard
Springfield, MA 01151

Indian Orchard
Springfield, MA 01151

100

ISSUANCE DATE November 30, 2001

Revisions:	D

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DRAFTED BY: J.W.M.

UNAUTHORISED ALTERATION OF

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OF MASSACHUSETTS STATE LAW

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SCALE: AS NOTED

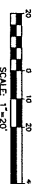
PLA PROJ. NUMBER: 210272

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PERMITTING

ZONING REVIEW - BUSINESS A (BA)		
TYPE (MINIMUM)	REQUIRED	EXISTING
MAX.	MAX.	EXISTING
FOOTCAGE	MAX.	30.11 X 4
FOOTCAGE	10 FT	30.2 X
FOOTCAGE	1000 FT	17.4
MAX. MAX.	1000 FT	10.2
EXISTING MAX.	40 FT X 1000 FT	1.000 FT
EXISTING MAX.	7.5 X	105.
EXISTING MAX. (FT 1,000 FT)	5	10
EXISTING MAX. (FT 1,000 FT)	5	10

ZONING ANALYSIS:

- ADULT USE MARLIANA ESTABLISHMENT IS AN ALLOWED USE WITHIN THE BUSINESS A ZONE.
- MARLIANA IS NOT NEAR A SCHOOL OR AN ALLOWED STREET FOR ADULT USE MARLIANA.
- THE PROPOSED USE UTILIZES AN EXISTING BUILDING AS ENCOURAGED UNDER THE ORDINANCE.
- THE LOCUS PARCEL IS LOCATED MORE THAN 500 FEET FROM THE NEAREST SCHOOL.
- THE LOCUS PARCEL IS LOCATED MORE THAN 50 FEET FROM THE NEAREST RESIDENTIALLY ZONED PROPERTY.

**479 Main Street
Indian Orchard (Springfield), Mass.
Assessors Parcel I.D. 081320172**



PREPARED FOR

Co, LLC
Main Street

ISSUANCE DATE: November 30, 2002	
REVISIONS:	DATE

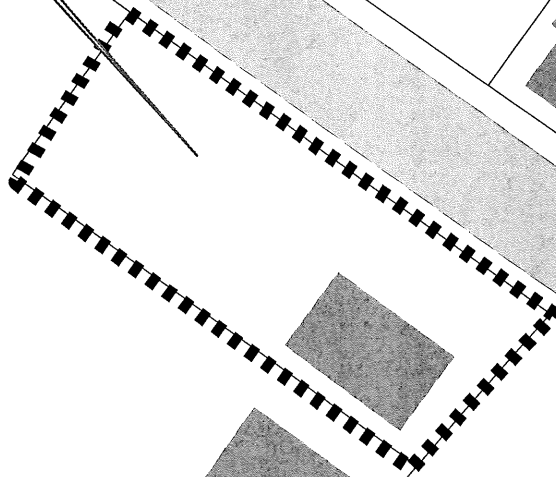
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PR-2

Main St IO

Proposed Location



Attachment: Main St 479 IO Adult Use Jan 2022 (6564 : 479 Main Street, IO)



SPRINGFIELD
GIS

City of Springfield, Massachusetts

479 Main Street, IO



DATA SOURCE: