



# City Council

## Hearings Meeting

~ Draft ~

36 Court Street  
Springfield, MA 01103  
<http://www.springfieldcityhall.com>

Anthony I. Wilson  
413-787-6096

Monday, January 23, 2017

7:00 PM

City Hall--Room 220

### I. Hearings

7:00 PM Meeting called to order on January 23, 2017 at City Hall--Room 220, 36 Court Street, Springfield, MA.

| Attendee Name     | Title                       | Status  | Arrived |
|-------------------|-----------------------------|---------|---------|
| Melvin A. Edwards | Ward 3 Councilor            | Present |         |
| Timothy C. Allen  | Ward 7 Councilor            | Present |         |
| Timothy J. Rooke  | At-Large Councilor          | Present |         |
| Adam Gomez        | Ward 1 Councilor            | Present |         |
| Kateri B. Walsh   | At-Large Councilor          | Present |         |
| Marcus J Williams | Ward 5 Councilor            | Present |         |
| Thomas M. Ashe    | At-Large Councilor          | Present |         |
| E. Henry Twiggs   | Ward 4 Councilor            | Present |         |
| Kenneth E. Shea   | Ward 6 Councilor            | Absent  |         |
| Michael A. Fenton | Ward 2 Councilor            | Late    | 7:06 PM |
| Justin Hurst      | Vice-President              | Present |         |
| Bud L. Williams   | At-Large Councilor          | Present |         |
| Orlando Ramos     | President- Ward 8 Councilor | Present |         |

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

### Zone Changes

#### 1. Zoning Ordinance (ID # 3779)

City Wide - Interim Regulations for Recreational Marijuana - the Proposal is to Amend Article 4, by Adding Section 4.7.110 - Interim Regulations for Recreational Marijuana (See Attached)

**PETITIONER:** Springfield Planning Board

**ADDRESS:** City Wide

**CHANGE REQUESTED:** See Above

#### **HISTORY:**

**12/21/16**

**Planning Board**

**APPROVED**

**01/09/17**

**City Council**

**RECEIVED 1ST STEP**

**Next: 01/23/17**

**COMMENTS - Current Meeting:**

Phil Dromey, deputy Director of Planning, spoke in favor of the amendment to the zoning ordinance. Which would create a moratorium on the use of property for the commercial sale of recreational marijuana for a period of one year or until the state issued regulations.

Councilor Hurst stated that he would like the moratorium to be shorter than 12 months.

In response to questions from Councilors Walsh and Allen, Mr. Dromey stated that the city regulations would follow the same path they took with medical marijuana. They planned to use PVPC to help the city draft the appropriate regulations.

Councilor Rooke questioned the need for a moratorium. Then he stated that the moratorium should probably be for 3 months.

Councilor Gomez stated that he was not in favor of a 12 month moratorium.

Atty. Linda Thompson, of Randolph Street, spoke against the moratorium.

Lisa Mary Jordan spoke in favor of the moratorium. She was concerned about the impact on the children.

Ruth Morehouse, 58 White Oak Rd, spoke in favor of the moratorium.

Allen Agnitti, 161 Walnut Street, spoke in opposition to the moratorium. He stated that the voters legalized marijuana and that the council should respect the will of the people.

Mary Dion, 370 Forest Hill Road, spoke in favor of the moratorium. She stated that she is worried about children getting access to marijuana.

Atty John Thompson, 83 Randolph Street, spoke in opposition to the moratorium.

Councilor Allen stated that he wanted the moratorium for a shorter time period.

Councilor Gomez made a motion to amend to the Moratorium to expire on May 30, 2017.

Motion failed:

Edwards yes

allen yes

rooke yes

gomez yes

walsh no  
 Marcus williams no  
 ashe no  
 twiggs no  
 shea absent  
 fenton no  
 hurst yes  
 bud williams no  
 ramos no

Councilor Walsh motion to amend to the moratorium to expire in six months. Seconded by Councilor Ashe. Motion passed unanimously.

**ATTACHMENTS:**

- #3186\_Interim\_Regulations\_for\_Recreational\_Marijuana\_2016 (PDF)
- 3186\_Interim\_Regulations\_for\_RM\_2016 (PDF)
- Report of the Planning Board (PDF)

|                |                                                                                             |
|----------------|---------------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>APPROVED [12 TO 0]</b>                                                                   |
| <b>AYES:</b>   | Edwards, Allen, Rooke, Gomez, Walsh, Williams, Ashe, Twiggs, Fenton, Hurst, Williams, Ramos |
| <b>ABSENT:</b> | Kenneth E. Shea                                                                             |

## Special Permits

### 2. Petition (ID # 3703)

For a Special Permit to Operate a Drive-Up Service Window at the Property Known as 1398 (A.K.A. 1402) Allen Street (00280-0419), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

|             |                     |
|-------------|---------------------|
| Request:    | See Above           |
| Owner:      | McDonald's USA, LLC |
| By:         | Rhona Murray        |
| Petitioner: | McDonald's USA, LLC |
| By:         | Paul A. Sylvia      |

**HISTORY:**

|                       |                     |                     |
|-----------------------|---------------------|---------------------|
| <b>11/28/16</b>       | <b>City Council</b> | <b>LAY ON TABLE</b> |
| <b>Next: 01/23/17</b> |                     |                     |

**COMMENTS - Current Meeting:**

Paul A. Silvia, Ayuab Construction Company in Pawtucket, RI, he stated that he represented McDonald corporate. He stated that this project had been approved in the past but that McDonald's did not begin the project in time. They plan to rebuild a McDonald's at this location.

Wes Powell, 32 genier lane ct, the owner of the franchise stated that the hours of operation would be 24 hours a day.

Councilor Allen explained that the Outer belt civic association had made an agreement with McDonald's Corporate that the hours lobby would be open Sunday-Thursday 5am-11pm and Friday to Saturday 5am - 1am.

Councilor Bud Williams stated that the owner of the franchise was not aware of the hours as negotiated.

Mr. Powell stated that he wanted to keep the restaurant open for 24 hours.

Rona Murray, from McDonald Corporate, explained that McDonald's corporate agreed to reduce the hours to get the project to move forward.

Mr. Powell stated that he believes that the concerns from the neighborhood council were related to police calls to McDonald's.

Councilor Ashe stated that he favored tabling the item.

Ms. Murray stated that she did not think that the another meeting with the neighborhood council would affect the hours.

Thomas Lott, 207 Forest park Ave, spoke in favor of the special permit but he stated that the hours should be 24 hours.

Walter Gould, from the Outer Belt Civic Association, stated that he was in favor of the special permit with the reduced hours. The neighborhood association was not in favor of the 24 hour restaurant. He stated that there were records of police calls to the McDonald's.

In response to questions from Councilor Bud Williams, Walter Gould stated that the hours should be reduced for safety.

Mary Dion stated that no other businesses is open 24 hours in the neighborhood. It was created before zoning regulated the hours of businesses.

Mr. Powell stated that he would lose 15% of his revenue if the drive up window was not open 24 hours a day.

Councilor Walsh made a motion to continue the matter. Seconded by Councilor Allen.

Motion failed:

Edwards No

allen yes

rooke No  
gomez yes  
walsh yes  
Marcus williams yes  
ashe yes  
twiggs no  
shea absent  
fenton abstain  
hurst no  
bud williams no  
ramos no

Councilor Hurst made a motion to amend condition 17 to have drive thru window open for 24 hours with a 6 month review before the city council and the neighborhood council. Seconded by Councilor Edwards. Passed by voice vote.

**ATTACHMENTS:**

- 1398\_Allen\_St\_Tax\_Formal (PDF)
- Allen-St\_1398\_2016 (PDF)

|                 |                                                                      |
|-----------------|----------------------------------------------------------------------|
| <b>RESULT:</b>  | <b>FAILED [7 TO 4]</b>                                               |
| <b>AYES:</b>    | Edwards, Rooke, Gomez, Twiggs, Hurst, Williams, Ramos                |
| <b>NAYS:</b>    | Timothy C. Allen, Kateri B. Walsh, Marcus J Williams, Thomas M. Ashe |
| <b>ABSTAIN:</b> | Michael A. Fenton                                                    |
| <b>ABSENT:</b>  | Kenneth E. Shea                                                      |

**3. Petition (ID # 3819)**

For a Special Permit to Allow for the Installation of a Wall Sign, Above the First Floor, at the Property Known as 1610 Main Street (08130-0149) (A.K.A. 8 Fort Street), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.

|             |                                           |
|-------------|-------------------------------------------|
| Request:    | See Above                                 |
| Owner:      | New England Farm Workers<br>Council, Inc. |
| By:         | Heriberto Flores                          |
| Petitioner: | Peter Picknelly                           |
| By:         | Peter Picknelly                           |

**COMMENTS - Current Meeting:**

Herberto Flores, 42 Atwater Terrace, spoke in favor of the petition.

Andy Yee, 8 Forest Street, spoke in favor of the petition.

Councilor Rooke made a motion to strike condition 6. Seconded by councilor Fenton. Passed unanimously by voice vote.

**ATTACHMENTS:**

- Main\_St\_1610\_Tax\_Formal (PDF)
- Main\_St\_1610\_2017 (PDF)

**RESULT:** **ADOPTED [12 TO 0]**

**AYES:** Edwards, Allen, Rooke, Gomez, Walsh, Williams, Ashe, Twiggs, Fenton, Hurst, Williams, Ramos

**ABSENT:** Kenneth E. Shea

#### 4. Petition (ID # 3820)

For a Special Permit for Motor Vehicle Rentals (Trucks and Trailers) at the Property Known as 88 Birnie Avenue (01480-0049) and WS Birnie Avenue (01480-0053), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2.

Request: See Above  
 Owner: 88-90 Birnie Avenue Realty Trust  
 By: Richard Bonavita/Carol Slate  
 Petitioner: Amerco Real Estate Company  
 By: Carlos Vizcarra

**COMMENTS - Current Meeting:**

James Blair, 242 Cold Brook Ave in westfield appeared to speak in favor.

Council Fenton made a motion to continue. Seconded by Councilor Twiggs.

Motion Failed

|             |        |
|-------------|--------|
| Edwards     | yes    |
| Allen       | no     |
| Rooke       | no     |
| Gomez       | no     |
| Walsh       | no     |
| M. Williams | no     |
| Ashe        | yes    |
| Twiggs      | no     |
| Shea        | absent |
| Fenton      | yes    |
| Hurst       | no     |
| Williams    | no     |
| Ramos       | yes    |

**Councilor Gomez clarified that the petitioner would rent U-Haul trucks.**

**John Bonavita answered questions from Councilor Fenton. He explained why a land swap that had been approved by the City Council had not been completed.**

**Mr. Bonavita explained that the land swap was dissolved based on the delay of the city in completing the deal.**

**Councilor Fenton explained that he wanted to continue the hearing until the law department can explain why the land swap failed.**

**Councilor Fenton moved to continue the hearing. Seconded by Councilor Marcus Williams. Passed by voice vote.**

**ATTACHMENTS:**

- Birnie\_Ave\_88\_Tax\_Formal (PDF)
- Birnie\_Ave\_88\_2017\_Amended (PDF)

**RESULT: LAY ON TABLE**

**Next: 2/27/2017 7:00 PM**

**5. Petition (ID # 3821)**

For Special Permit to Re-Establish a Pre-Existing, Non-Conforming Use (Motor Vehicle Service Station/Car Wash), at the Properties Known as 1830 Wilbraham Road (12282-0326) and WS Parker Street (09510-0611) as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

|             |                                  |
|-------------|----------------------------------|
| Request:    | See Above                        |
| Owner:      | John & Melba Radner, Trustees    |
| By:         | John G. Radner                   |
| Petitioner: | Petrogas Group New England, Inc. |
| By:         | Trevor Moore                     |

**COMMENTS - Current Meeting:**

Attorney Richard Sypeck, appeared on behalf of the applicant and spoke in favor of the petition.

The petitioner asked that condition 5 be amended to say "One delivery is allowed between 9pm and 3am."

Attorney James Gregory, Director of 16 Acre Civic Association, stated that the civic association was in favor of the petition.

Councilor Bud Williams moved to amend condition 5 to state "One delivery is allowed between 9pm and 3am." Seconded by Councilor Walsh. Passed by voice vote.

Councilor Allen motion to add condition to limit height of the sign to 20 feet. Seconded by Councilor Fenton. Motion failed by voice vote.

Councilor Rooke motion to add condition to limit height of the sign to 25 feet. Seconded by Councilor Walsh. Motion passed by voice vote.

**ATTACHMENTS:**

- Wilbraham\_Rd\_1830\_Tax\_Formal(PDF)
- Wilbraham\_Rd\_1830\_2017 (PDF)

|                |                                                                                             |
|----------------|---------------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>ADOPTED [12 TO 0]</b>                                                                    |
| <b>AYES:</b>   | Edwards, Allen, Rooke, Gomez, Walsh, Williams, Ashe, Twiggs, Fenton, Hurst, Williams, Ramos |
| <b>ABSENT:</b> | Kenneth E. Shea                                                                             |

**6. Petition (ID # 3822)**

For Special Permit to Operate a Restaurant with a Drive-Up Service Window, at the Properties Known as 2433 Main Street (08130-0452), WS Main Street (08130-0453 & 0454) and a Portion of 18 Morgan Street (08830-0004), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).

|             |                     |
|-------------|---------------------|
| Request:    | See Above           |
| Owner:      | David Della Torre   |
| By:         | David Della Torre   |
| Petitioner: | GF Enterprises, LLC |
| By:         | George Fellows      |

**COMMENTS - Current Meeting:**

Hussein Servenkin, representing the petitioner, spoke in favor of the petition.

Juan Rivera, 16 Morgan Street, spoke against the petition.

Carmen Rivera, 64 Goodridge Street, spoke against the petition.

Richard Russell, representing GF enterprises, spoke in favor of the petition.

Pedro Quintana, 33 Church Street, stated that he was concerned about the traffic, noise and trash.

Motion to table by Councilor Walsh. Seconded by Councilor Ashe. Passed by voice vote.

**ATTACHMENTS:**

- Main\_St\_2433\_Tax\_Formal (PDF)
- Main\_St\_2433\_2017 (PDF)

|                |                     |                                |
|----------------|---------------------|--------------------------------|
| <b>RESULT:</b> | <b>LAY ON TABLE</b> | <b>Next: 2/27/2017 7:00 PM</b> |
|----------------|---------------------|--------------------------------|

**7. Petition (ID # 3824)**

For a Special Permit Motor Vehicle Rentals at the Properties Known as 1027 East Columbus Avenue (04303-0539), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

|             |                       |
|-------------|-----------------------|
| Request:    | See Above             |
| Owner:      | Harriet Cohen Trustee |
| By:         | Harriet Cohen         |
| Petitioner: | Jeffery Cohen         |
| By:         | Jeffery Cohen         |

**COMMENTS - Current Meeting:**

Councilor Edwards motion to continue. Seconded by Councilor Hurst. Passed by voice vote.

**ATTACHMENTS:**

- E\_Columbus\_Ave\_1027\_Tax\_Formal (PDF)
- E\_Columbus\_Ave\_1027\_2017 (PDF)

**RESULT: LAY ON TABLE**

**Next: 2/27/2017 7:00 PM**

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

to amend the Springfield Zoning Ordinance by amending Article 4 by adding Section 4.7.110 – Interim Regulations for Recreational Marijuana, to read as follows:

**Section 4.7.110 Interim Regulations for Recreational Marijuana**

**4.7.111 Purpose**

This section is intended to provide restrictions that will allow the City of Springfield adequate time to consider new regulations to allow facilities associated with the recreational sale of marijuana, to the extent that such facilities are allowed under state laws and regulations. Given that a law permitting the recreational use of marijuana in the Commonwealth of Massachusetts was approved by the voters on November 8, 2016, a restriction on the establishment of such facilities in the City of Springfield shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, which are currently being developed.

**4.7.112 Exclusion of Accessory Uses**

In no case shall the acquisition, cultivation, possession, processing, transference, sale, distribution, dispensing and/or administration of marijuana, products containing or derived from marijuana or related products be considered an accessory to any use under our existing ordinance.

**4.7.113 Interim Restriction**

The sale of recreational marijuana shall not be permitted in any zoning district in the City of Springfield so long as Section 4.7.110 is in effect.

**4.7.114 Expiration**

This Section 4.7.110 shall be effective until December 31, 2017 or until such time that superseding regulations are adopted which addresses the impacts and operations for the sale of recreational marijuana and related uses, whichever is sooner.

**Mailing Address:**  
 City of Springfield  
 36 Court Street  
 Springfield, MA 01103

**Petitioner:**

BY: Benjamin A. Jr.  
 Springfield Planning Board

BY: Leo A. Thomas  
 Springfield Planning Board

BY: Gloria DeSilipo  
 Springfield Planning Board

BY: Rico Daniele  
 Springfield Planning Board

BY: Anthony Roman  
 Springfield Planning Board

BY: Mark J. [Signature]  
 Springfield Planning Board

BY: \_\_\_\_\_  
 Springfield Planning Board

BY: \_\_\_\_\_  
 Springfield Planning Board

# OFFICE OF PLANNING & ECONOMIC DEVELOPMENT

## ANALYSIS FOR A ZONE CHANGE

### INTERIM REGULATIONS FOR RECREATIONAL MARIJUANA

#### GENERAL INFORMATION

|                                          |                                                                                                                                                                                                                                                     |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Petitioner:</b>                       | Planning Board                                                                                                                                                                                                                                      |
| <b>Request:</b>                          | The proposal is to amend Article 4 of the Springfield Zoning Ordinance by adding Section 4.7.110 – Interim Regulations for Recreational Marijuana (see attached for full language).                                                                 |
| <b>Location:</b>                         | City Wide                                                                                                                                                                                                                                           |
| <b>Parcel Size:</b>                      | N/A                                                                                                                                                                                                                                                 |
| <b>Purpose:</b>                          | Provide the city with an opportunity to review and assess the proposed impacts of the recently voter approved sales of recreational marijuana to ensure compatibility with adjacent land uses and on the general public health, safety and welfare. |
| <b>Surrounding Land Use and Zoning:</b>  | N/A                                                                                                                                                                                                                                                 |
| <b>Comprehensive/ Neighborhood Plan:</b> | N/A                                                                                                                                                                                                                                                 |
| <b>Tax Status:</b>                       | N/A                                                                                                                                                                                                                                                 |
| <b>Planning Board Hearing:</b>           | 12-21-16                                                                                                                                                                                                                                            |

#### SPECIAL INFORMATION

|                                  |     |
|----------------------------------|-----|
| <b>Traffic &amp; Parking:</b>    | n/a |
| <b>Physical Characteristics:</b> | n/a |
| <b>Other Notes:</b>              | n/a |

#### ANALYSIS

As the Planning Board/City Council is aware, the citizens of the Commonwealth of Massachusetts recently voted to approve the legalization of recreational use of marijuana on November 8, 2016. As such, the City of Springfield is proposing to amend the existing Zoning Ordinance to include interim regulations to address this new use.

The intent of these regulations are to provide restrictions on this new use that will then allow the City of Springfield adequate time to consider new regulations to allow facilities associated with recreational marijuana sales, to the extent that such facilities are allowed under state laws and regulations.

Further, given that the initiative was only recently approved and the State of Massachusetts has yet to promulgate regulations for this new use, these proposed restrictions on the establishment of such facilities in the City of Springfield will provide the City with an opportunity to study the potential impacts of this use on adjacent land

uses, the general public health, safety and welfare and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and procedures.

The proposed interim regulations would restrict this use until December 31, 2017 or until such time that superseding regulations have been adopted, whichever is sooner.

It is important to note that interim regulations or “moratoriums” have been utilized a number of times in the City of Springfield over the past several years. As noted above, moratoriums allow communities the opportunity to establish regulations for uses not anticipated under the current zoning ordinance. Examples of past moratoriums in Springfield include cell towers, adult entertainment, digital billboards and most recently medical marijuana.

#### **RECOMMENDATION**

---

Approve.

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

to amend the Springfield Zoning Ordinance by amending Article 4 by adding Section 4.7.110 – Interim Regulations for Recreational Marijuana, to read as follows:

**Section 4.7.110 Interim Regulations for Recreational Marijuana**

**4.7.111 Purpose**

This section is intended to provide restrictions that will allow the City of Springfield adequate time to consider new regulations to allow facilities associated with the recreational sale of marijuana, to the extent that such facilities are allowed under state laws and regulations. Given that a law permitting the recreational use of marijuana in the Commonwealth of Massachusetts was approved by the voters on November 8, 2016, a restriction on the establishment of such facilities in the City of Springfield shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, which are currently being developed.

**4.7.112 Exclusion of Accessory Uses**

In no case shall the acquisition, cultivation, possession, processing, transference, sale, distribution, dispensing and/or administration of marijuana, products containing or derived from marijuana or related products be considered an accessory to any use under our existing ordinance.

**4.7.113 Interim Restriction**

The sale of recreational marijuana shall not be permitted in any zoning district in the City of Springfield so long as Section 4.7.110 is in effect.

**4.7.114 Expiration**

This Section 4.7.110 shall be effective until December 31, 2017 or until such time that superseding regulations are adopted which addresses the impacts and operations for the sale of recreational marijuana and related uses, whichever is sooner.

**Mailing Address:**  
City of Springfield  
36 Court Street  
Springfield, MA 01103

**Petitioner:**

BY: Benjamin  
Springfield Planning Board

BY: Leo A. Florio  
Springfield Planning Board

BY: Gloria DeSillipo  
Springfield Planning Board

BY: Rico Daniele  
Springfield Planning Board

BY: Anthony  
Springfield Planning Board

BY: Mark  
Springfield Planning Board

BY: \_\_\_\_\_  
Springfield Planning Board

BY: \_\_\_\_\_  
Springfield Planning Board



# CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

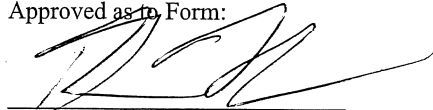
## AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING MAP

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

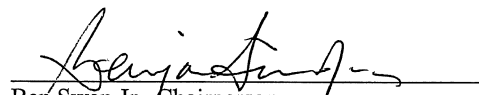
SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, effective August 26, 2013, as amended, is hereby further amended by amending Article 4 by adding Section 4.7.110- "Interim Regulations for Recreational Marijuana". "The entire City Building Zone Map of the City of Springfield."

Approved as to Form:

  
Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on December 21, 2016, regarding the above Ordinance amendment.

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

  
Ben Swan Jr., Chairperson

301-777-1000

2016 JAN - 5 A 9:51

RECEIVED



## CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

### AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, effective August 26, 2013, as amended, is hereby further amended by **amending Article 4 by adding Section 4.7.110- "Interim Regulations for Recreational Marijuana"**. "The entire City Building Zone Map of the City of Springfield."

**REPORT TO CITY COUNCIL  
ZONE CHANGE HEARING**

**PETITION: #3186**  
**SECTION: Entire City**

**DATE: December 22, 2016**

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

**PETITIONER:** Springfield Planning Board

**ADDRESS:** Entire City

**CHANGE REQUESTED:** Amending Article 4 by adding Section 4.7.110- "Interim Regulations for Recreational Marijuana". "The entire City Building Zone Map of the City of Springfield."

**PETITIONER'S PURPOSE STATEMENT:** To provide the opportunity for the City of Springfield to study the potential impacts of recreational marijuana sales on adjacent uses and on the general public health, safety and welfare and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and procedures.

**DATE OF PUBLIC HEARING:** December 21, 2016

**DATE OF FINAL DECISION:** December 21, 2016

**BOARD MEMBERS PRESENT and COUNT:** seven (7): Ms. Morin, Mr. Daniele, Mr. Swan, Mr. Florian, Ms. McQuade, Mr. Cignoli and Ms. Choi

**FINAL MOTION:** Approve

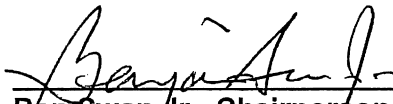
**IN FAVOR:** seven (7): Ms. Morin, Mr. Daniele, Mr. Swan, Mr. Florian, Ms. McQuade, Mr. Cignoli and Ms. Choi

**OPPOSED:** zero (0)

**ABSTAINED:** N/A

**RECOMMENDATION: APPROVE**

Respectfully submitted,

  
Ben Swan Jr., Chairperson

Attachment: Report of the Planning Board (3779 : City Wide - Interim Regulations for Recreational Marijuana)

**PETITION: #3186**  
**SECTION: Entire City**

**DATE: December 22, 2016**

**To amend the Springfield Zoning Ordinance by amending Article 4 by adding Section 4.7.110 – Interim Regulations for Recreational Marijuana, to read as follows:**

**Section 4.7.110 Interim Regulations for Recreational Marijuana**

**4.7.111 Purpose**

This section is intended to provide restrictions that will allow the City of Springfield adequate time to consider new regulations to allow facilities associated with the recreational sale of marijuana, to the extent that such facilities are allowed under state laws and regulations. Given that a law permitting the recreational use of marijuana in the Commonwealth of Massachusetts was approved by the voters on November 8, 2016, a restriction on the establishment of such facilities in the City of Springfield shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, which are currently being developed.

**4.7.112 Exclusion of Accessory Uses**

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**4.7.113 Interim Restriction**

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**4.7.114 Expiration**

This Section 4.7.110 shall be effective until December 31, 2017 or until such time that superseding regulations are adopted which addresses the impacts and operations for the sale of recreational marijuana and related uses, whichever is sooner.



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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3703

**DEFEATED**

**PETITION (ID # 3703)**

**For a Special Permit to Operate a Drive-Up Service Window  
at the Property Known as 1398 (A.K.A. 1402) Allen Street  
(00280-0419), as Allowed by M.G.L. and the Springfield  
Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).**

Request: See Above  
Owner: McDonald's USA, LLC  
By: Rhona Murray  
Petitioner: McDonald's USA, LLC  
By: Paul A. Sylvia

**HISTORY:**

**11/28/16**      **City Council**                      **LAY ON TABLE**                      **Next: 01/23/17**

|                 |                                                                      |
|-----------------|----------------------------------------------------------------------|
| <b>RESULT:</b>  | <b>FAILED [7 TO 4]</b>                                               |
| <b>AYES:</b>    | Edwards, Rooke, Gomez, Twiggs, Hurst, Williams, Ramos                |
| <b>NAYS:</b>    | Timothy C. Allen, Kateri B. Walsh, Marcus J Williams, Thomas M. Ashe |
| <b>ABSTAIN:</b> | Michael A. Fenton                                                    |
| <b>ABSENT:</b>  | Kenneth E. Shea                                                      |

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

for a special permit to operate a drive-up service window at the property known as 1398 (a.k.a. 1402) Allen Street (00280-0419), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

**Mailing Address:**

32 Renee Lane  
Enfield, CT 06082

**Owner:**

**McDonald's USA, LLC**

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

DocuSigned by:

BY: \_\_\_\_\_

*Rhona Murray*  
Rhona Murray,  
Area Construction Manager

**Mailing Address:**

414 Benefit Street  
Pawtucket, RI 02861

**Petitioner:**

**McDonald's USA, LLC**  
**c/o Ayoub Engineering**

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

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

*Paul A. Sylvia*  
Paul A. Sylvia, P.E.

Attachment: 1398\_Allen\_St\_Tax\_Formal (3703 : 1398 Allen Street)



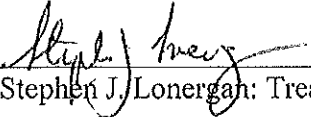
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

10/17/2016

## Special Permit Tax Certification

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

Special Permit : 1398-1402 Allen Street  
Petitioner : McDonald's C/O Ayouh Engineering, Inc.  
Landlord: McDonald's USA LLC

  
Stephen J. Lonergan: Treasurer/Collector

Attachment: 1398\_Allen\_St\_Tax\_Form (3703 : 1398 Allen Street)

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

---

**1398 ALLEN STREET (00280-0419)  
DRIVE-UP SERVICE WINDOW**

*General Information*

---

|                                                       |                                                                    |
|-------------------------------------------------------|--------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | McDonald's USA, LLC                                                |
| <b>Request:</b>                                       | To operate a drive-up service window.                              |
| <b>Proposed use of the property:</b>                  | Fast food restaurant.                                              |
| <b>Parcel Size:</b>                                   | 53,317 s.f.                                                        |
| <b>Compatibility with current planning documents:</b> | The Sixteen Acres Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | Outerbelt Civic Association: 10-30-16                              |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                                |
| <b>Site Visit:</b>                                    | 11-2-16                                                            |
| <b>Hearing Date:</b>                                  | 11-28-16                                                           |

*Staff Analysis*

---

**Neighborhood characteristics:**

The property is located in the Sixteen Acres Neighborhood and is located in an area with a mix of commercial and residential uses.

- To the north is the Talmadge Elementary School zoned Residence A.
- To the south are vacant land and single-family homes zoned Residence A.
- To the east is a Wendy's zoned Business A.
- To the west is a gas station zoned Business A.

**Site plan review:**

The petitioner has requested a special permit to operate a drive-up service window in conjunction with a McDonald's fast food restaurant at the property known as 1398 Allen Street. The petitioner intends to demolish the existing building and construct a new 4,587 square foot building. It should be noted that a special permit for the new building was approved back in 2013, however, two (2) years has elapsed since that approval. As such, a new special permit is required.

As was stated above, there is currently a McDonald's fast food restaurant with a drive-up service window at this location. This operation has been at this location for a number of years. Due to the fact that the proposal is to completely demolish the existing building a special permit from the City Council is required.

After reviewing the submitted site plans and visiting the site, the staff does not object to the proposed request. As noted in the previous review for this project, the only concern that the staff had was that the original design submitted for the new building showed the building set back from the street with parking and the drive-up lane located in the front of the building. After numerous discussions with the petitioner, the plans were modified so that the proposed new building footprint will remain in the same location and the proposed drive through lane in the front of the building would be removed. As revised, the direct pedestrian access to Allen Street remains. The staff is also very pleased that additional landscaping will be added along the Allen Street frontage as well as within the re-configured parking lot.



The one outstanding issue that appears to have not been resolved at the time this report was completed is in regards to the hours of operation for this location. In speaking with the representative of the Outerbelt Civic Association, there have been a number of discussions with the petitioner about the hours of operation but no final consensus had yet been reached. As such, the staff would defer to the Outerbelt Civic Association to propose a condition on the hours at this location.

Overall, the staff is very pleased that the petitioner has revised the proposed plans. The staff strongly believes that this plan allows for the improvements to the drive-up facility and the updating of the building while also still keeping the pedestrian integrity that exists at the site today.

### *Recommendation*

Approve, with conditions.

### *Recommended Conditions*

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely to operate a drive-up service window at the property known as 1398 Allen Street (00280-0419).
3. The use shall be developed as per the attached site plans and elevations, with a revised date of August 17, 2016, with the addition of conditions #4 through #18.
4. All landscaping shall be installed as per submitted plans.
5. There shall be no outside storage of materials beyond the enclosed dumpster area.
6. The petitioner shall place one (1) bicycle rack on the property.
7. There shall be only one (1) ground sign at this location.
8. There shall be no electronic message board attached to the ground sign.
9. There shall be no additional advertising material located on any directional signage or light poles.

10. The site shall be maintained free of all weeds, trash and debris.
11. All landscaped areas, including the public tree belt shall be maintained.
12. The dumpster(s) shall be completely enclosed.
13. All sidewalks shall remain at grade and shall not be depressed to accommodate the driveways.
14. The public sidewalk along Allen Street shall be maintained, including snow removal.
15. There shall be no banner, streamers or other promotional materials placed in outside areas.
16. There shall be no non-accessory signs located on the property.
17. The hours of operation shall be as agreed upon between the petitioner and the Outerbelt Civic Association.
18. A full review by the Department of Public Works, as per the provisions of City Ordinance, Article VIII, §27-29, will be required. This approval must be obtained prior to the issuance of a Building Permit or start of any paving work.
19. 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

10/17/2016

## Special Permit Tax Certification

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

Special Permit : 1398-1402 Allen Street  
Petitioner : McDonald's C/O Ayouh Engineering, Inc.  
Landlord: McDonald's USA LLC

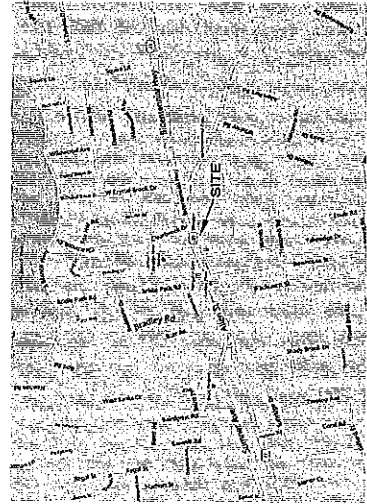
Stephen J. Loneragan: Treasurer/Collector

Attachment: Allen-St\_1398\_2016 (3703 : 1398 Allen Street)

# SITE IMPROVEMENT PLANS



## REBUILD 1402 ALLEN STREET SPRINGFIELD, MASSACHUSETTS



1. OWNER: MCDONALD'S CORPORATION
2. SITE: 1402 ALLEN STREET, SPRINGFIELD, MA 01104
3. PROJECT: REBUILD 1402 ALLEN STREET, SPRINGFIELD, MA 01104
4. PREPARED BY: AYVOUB ENGINEERING, INC.
5. DATE: 12/12/12
6. PROJECT NO.: 3704.116
7. PLAN SET LAST REVISED: 06/17/16
8. TOTAL SHEETS: 22
9. TOTAL SHEETS PREPARED: 22
10. TOTAL SHEETS PRINTED: 22
11. TOTAL SHEETS CHECKED: 22
12. TOTAL SHEETS APPROVED: 22
13. TOTAL SHEETS REVISIONS: 0
14. TOTAL SHEETS REVISIONS: 0
15. TOTAL SHEETS REVISIONS: 0
16. TOTAL SHEETS REVISIONS: 0
17. TOTAL SHEETS REVISIONS: 0
18. TOTAL SHEETS REVISIONS: 0
19. TOTAL SHEETS REVISIONS: 0
20. TOTAL SHEETS REVISIONS: 0
21. TOTAL SHEETS REVISIONS: 0
22. TOTAL SHEETS REVISIONS: 0

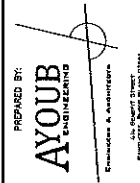
### INDEX OF DRAWINGS

| DWG  | TITLE                            |
|------|----------------------------------|
| 00   | COVER                            |
| 1    | BOUNDARY & TOPOGRAPHIC SURVEY    |
| D-1  | SITE DEMOLITION PLAN             |
| C-1  | SITE IMPROVEMENT PLAN            |
| C-2  | SITE GRADING PLAN                |
| C-3  | SITE UTILITY PLAN                |
| L-1  | SITE LANDSCAPE PLAN              |
| ER-1 | EROSION & SEDIMENT CONTROL PLAN  |
| ER-2 | EROSION & SEDIMENT CONTROL NOTES |
| L    | LIGHTING PLAN                    |
| TP-1 | TURNING PLAN                     |
| SG-2 | PROPOSED SIGNAGE PLAN            |
| SD-1 | SITE DETAIL SHEET                |
| SD-2 | SITE DETAIL SHEET                |
| SD-3 | SITE DETAIL SHEET                |
| SD-4 | SITE DETAIL SHEET                |
| SD-5 | SITE DETAIL SHEET                |
| SD-6 | SITE DETAIL SHEET                |
| SD-7 | SITE DETAIL SHEET                |
| A1.0 | BUILDING FLOOR PLAN              |
| A2.0 | BUILDING ELEVATIONS PLAN         |
| A2.1 | BUILDING ELEVATIONS PLAN         |

### SITE IMPROVEMENT PLANS



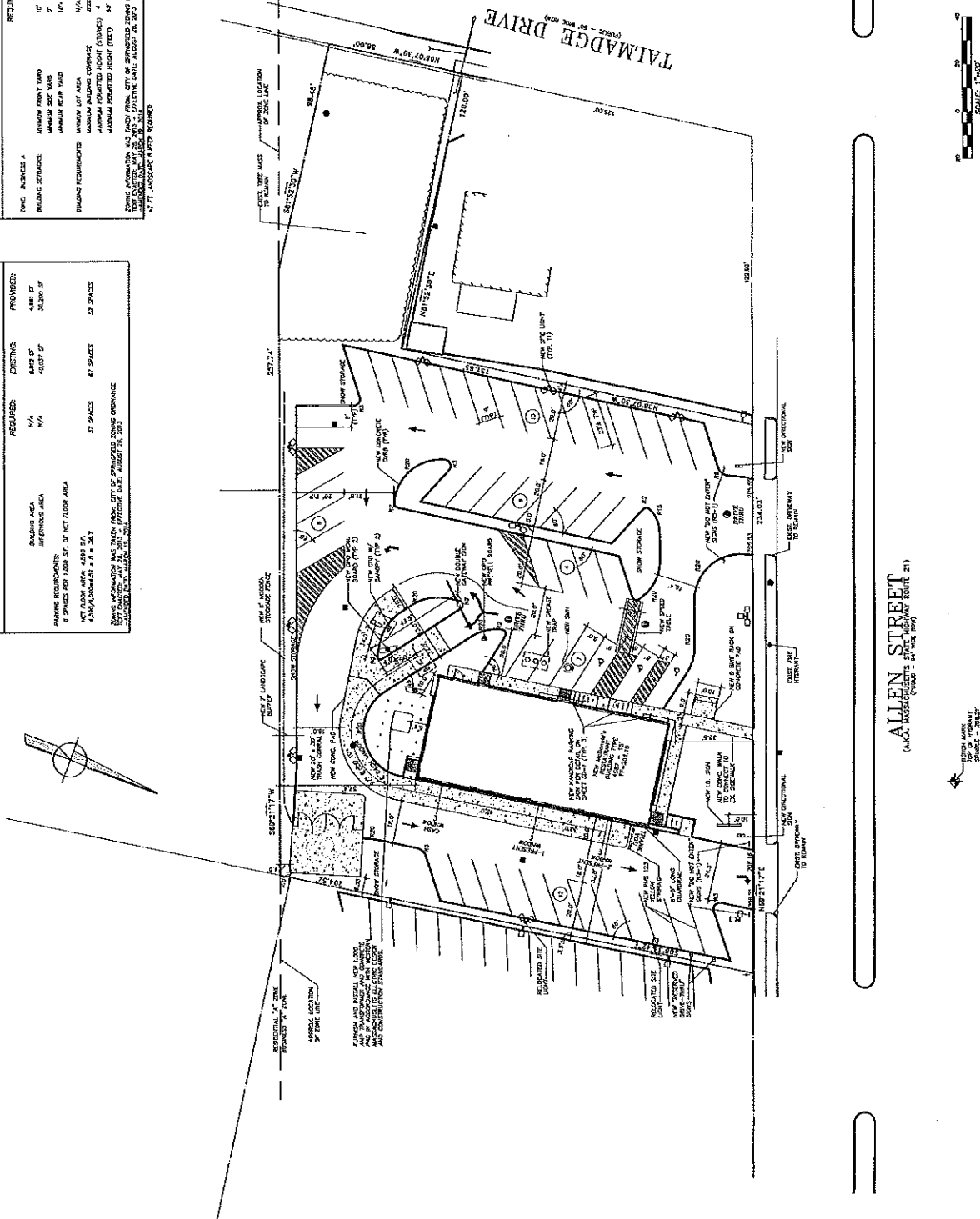
REBUILD  
1402 ALLEN STREET  
SPRINGFIELD, MASSACHUSETTS



PROJECT NO. 3704.116  
DATE: 12/12/12  
PLAN SET LAST REVISED: 06/17/16

00



[illegible]

C-2

PROJECT LOCATION:  
1402 ALLEN STREET  
SPRINGFIELD, MA  
SITE ID: 020-0080

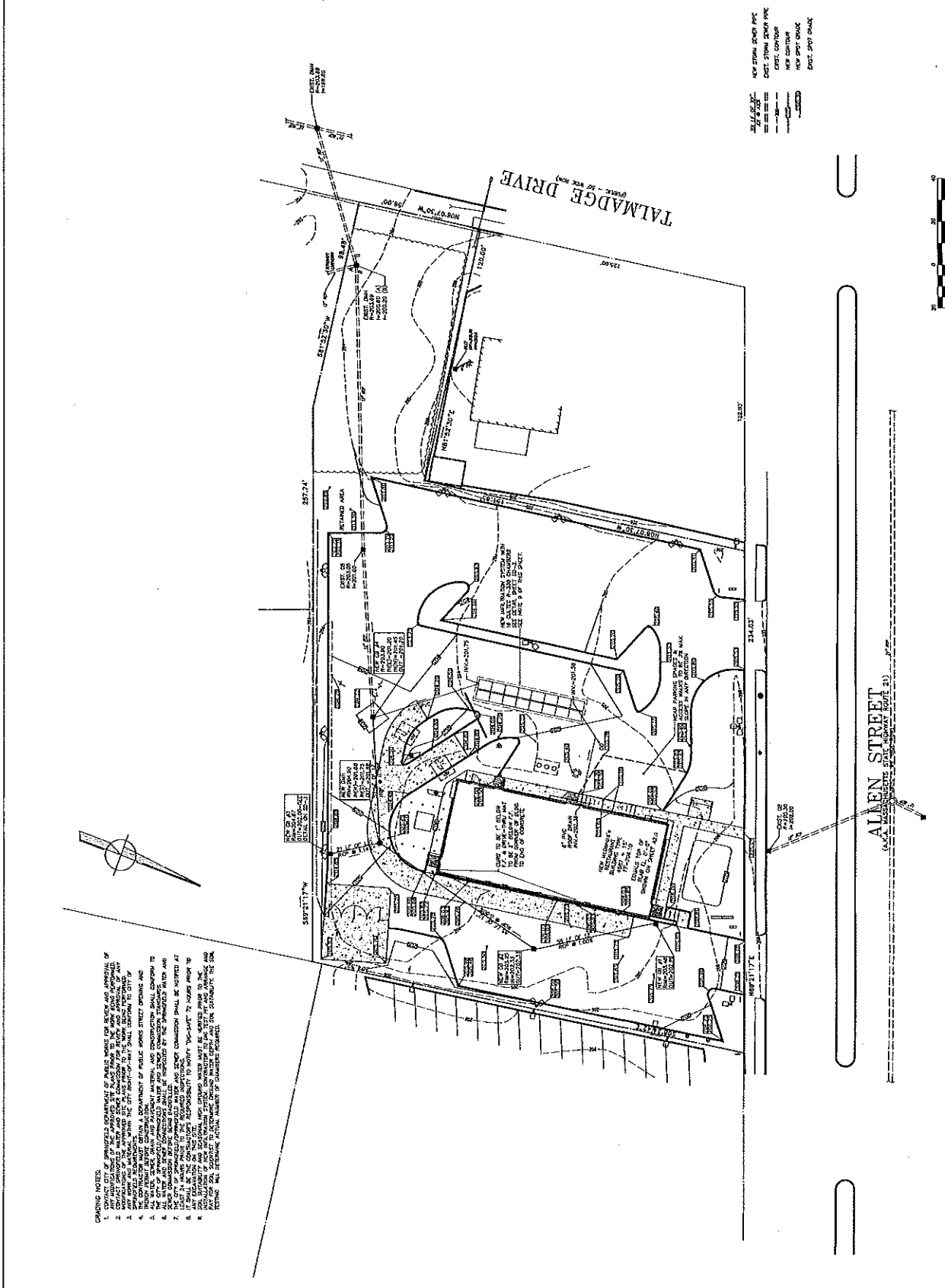
DATE: 12/22/20  
DRAWN BY: JAL  
CHECKED BY: JAL  
PROJECT NO: 3703-16

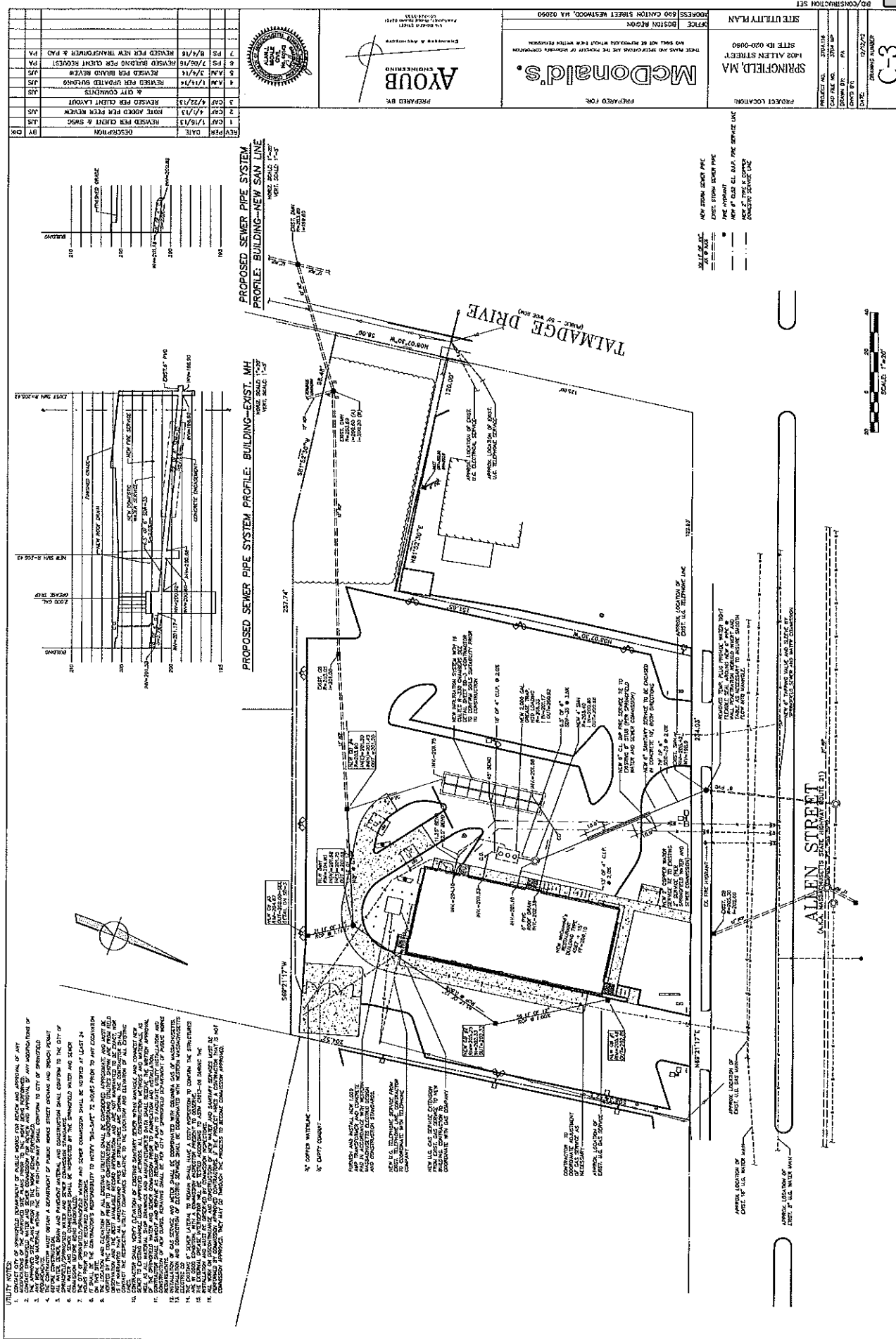
McDonald's.  
PREPARED FOR:  
BOSTON REGION  
ADDRESS: 690 CANTON STREET WESTWOOD, MA 02090

PREPARED BY:  
Ayoub  
ENGINEERING  
100 BRIDGE STREET  
SPRINGFIELD, MA 01103

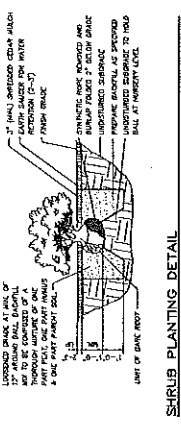
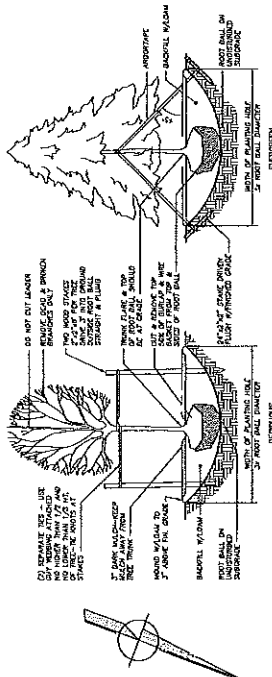


| REV | PER | DATE    | DESCRIPTION                                      |
|-----|-----|---------|--------------------------------------------------|
| 1   | CAF | 1/8/13  | REVISED PER CLIENT                               |
| 2   | CAF | 4/22/13 | REVISED PER CLIENT LAYOUT                        |
| 3   | JAL | 3/4/14  | REVISED PER PLANNED BUILDINGS & CITY COORDINATES |
| 4   | JAL | 3/4/14  | REVISED PER BRAND REVIEW                         |
| 5   | PS  | 7/26/16 | REVISED BUILDING PER CLIENT REQUEST              |
| 6   | PS  | 8/4/18  | REVISED PER NEW TRANSPORTER & PAD                |





| REV | PER | DATE    | DESCRIPTION                                 | BY  | CHK |
|-----|-----|---------|---------------------------------------------|-----|-----|
| 1   | CAF | 4/27/13 | REVISED PER CLIENT LAYOUT                   |     |     |
| 2   | AN  | 1/4/14  | REVISED PER NEW COMMENTS<br>& CITY COMMENTS | JAS |     |
| 3   | AN  | 3/3/14  | REVISED PER BAYARD REVIEW                   | JAS |     |
| 4   | PS  | 7/26/15 | REVISED BUILDING PER CLIENT REQUEST         | PA  |     |
| 5   | PS  | 8/1/16  | REVISED PER NEW TRANSFORMATION & PAD        | PA  |     |

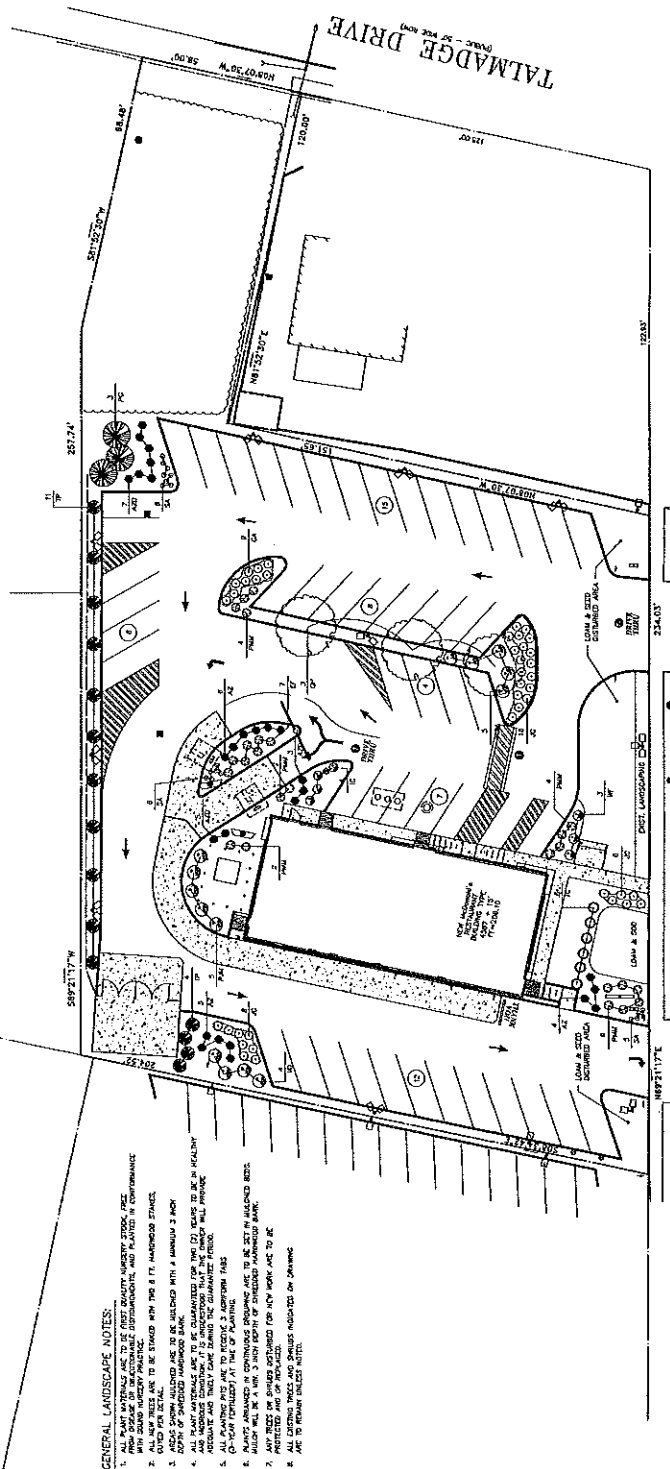
[illegible]

**TREE PLANTING DETAILS.**

NOT TO SCALE

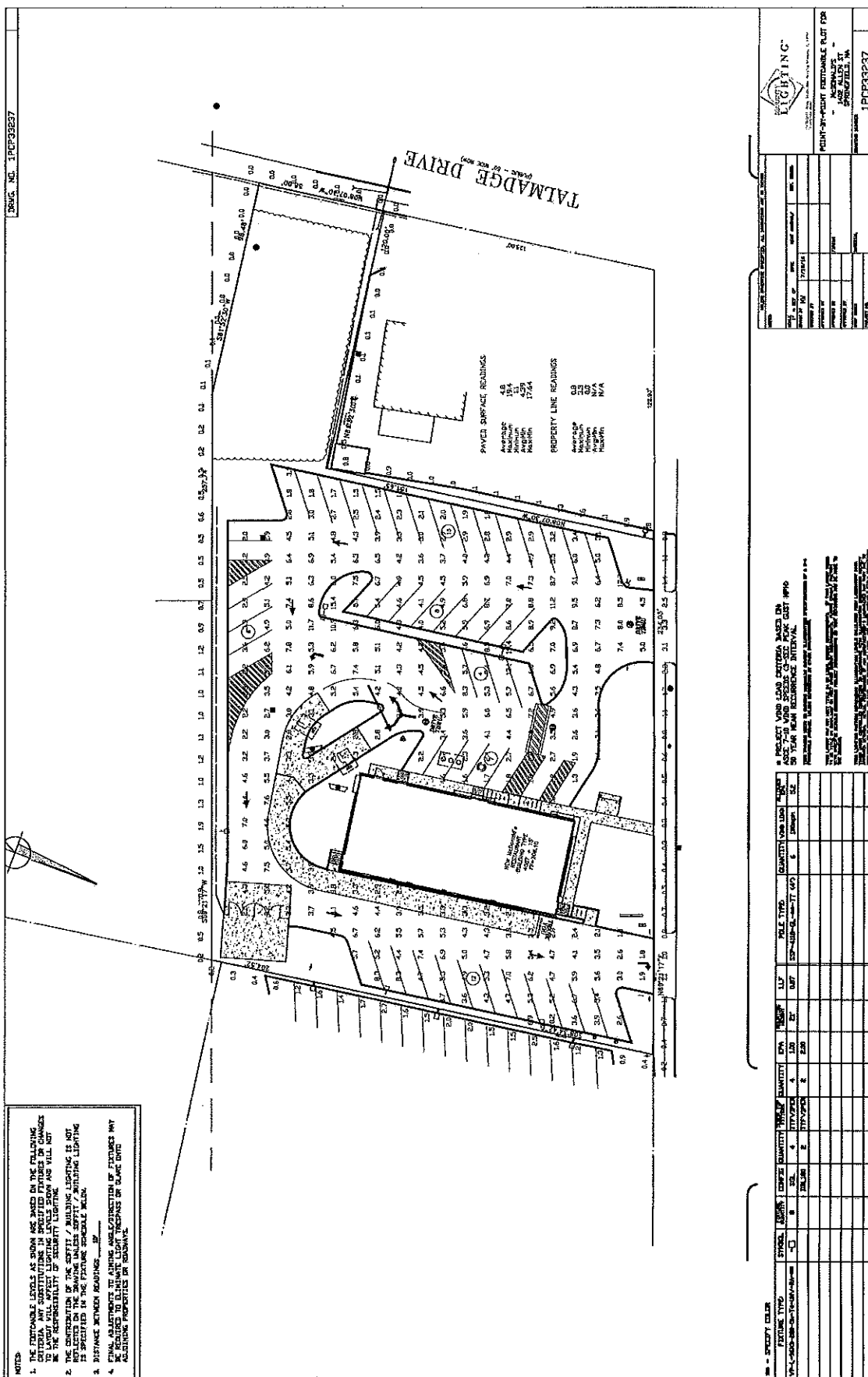
**GENERAL LANDSCAPE NOTES:**

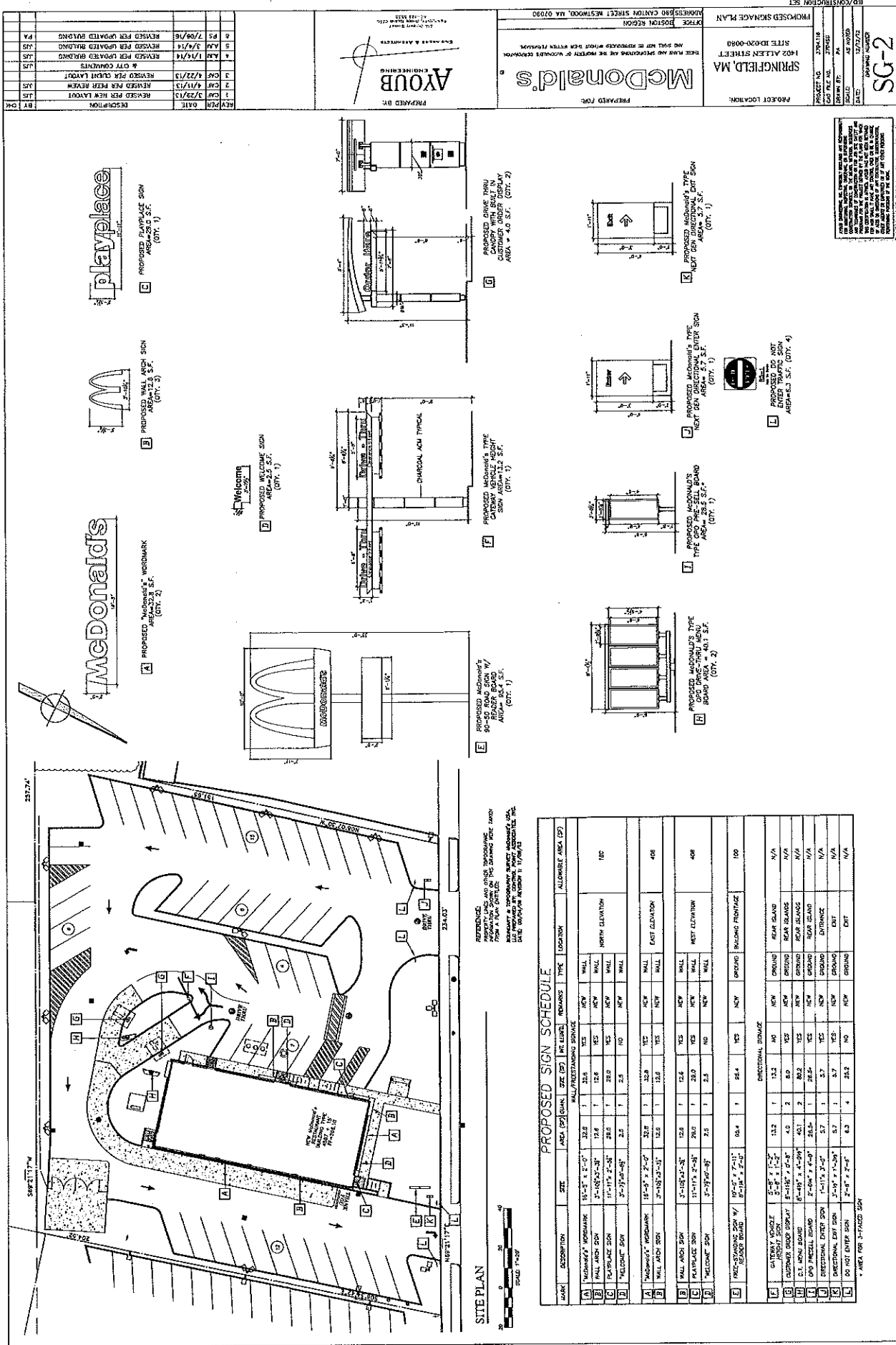
- [illegible]



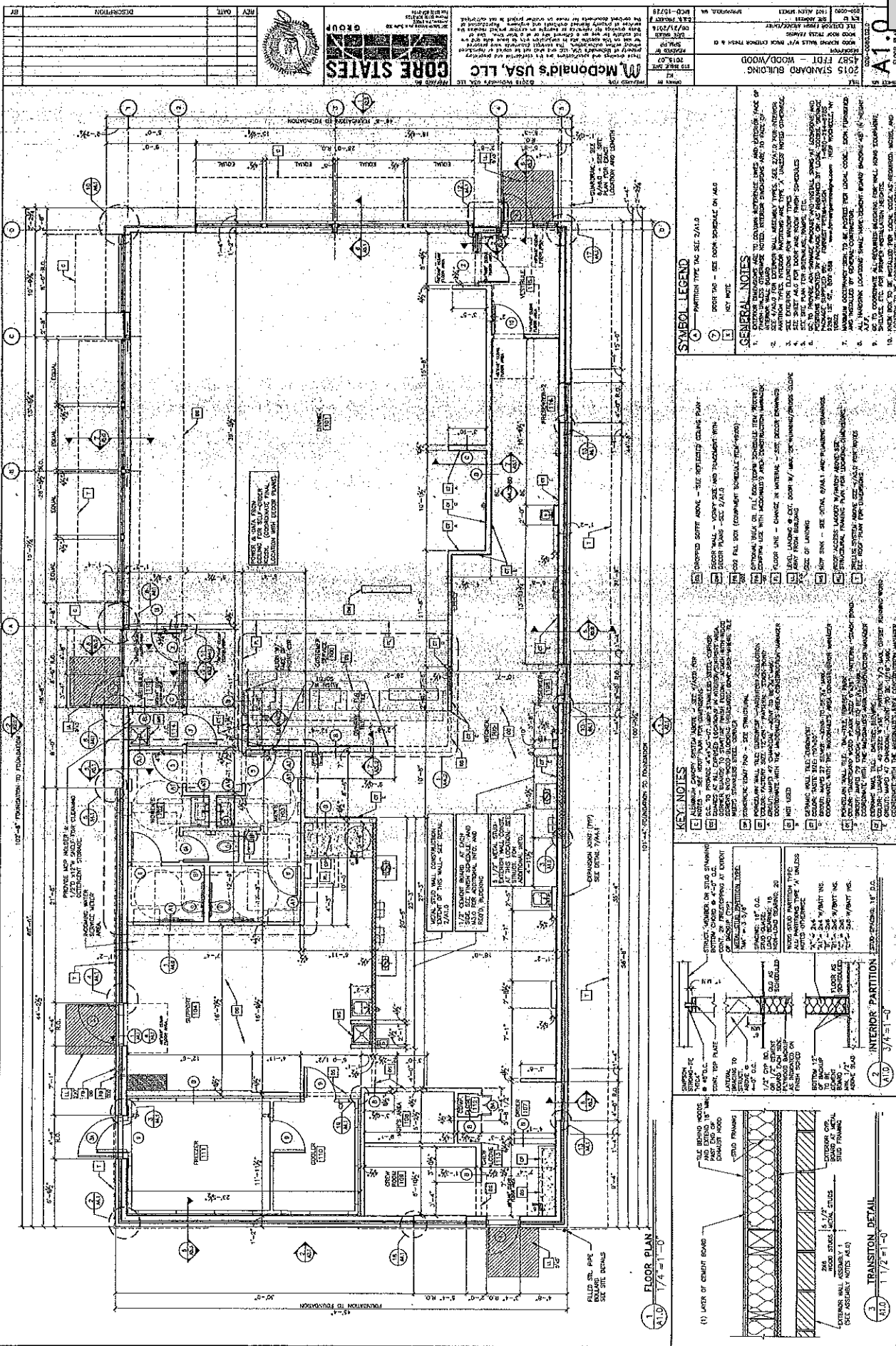
ALLEN STREET  
(A.K.A. MASSACHUSETTS STATE HIGHWAY ROUTE 23)  
(PUBLIC - 24' MED. ROW)

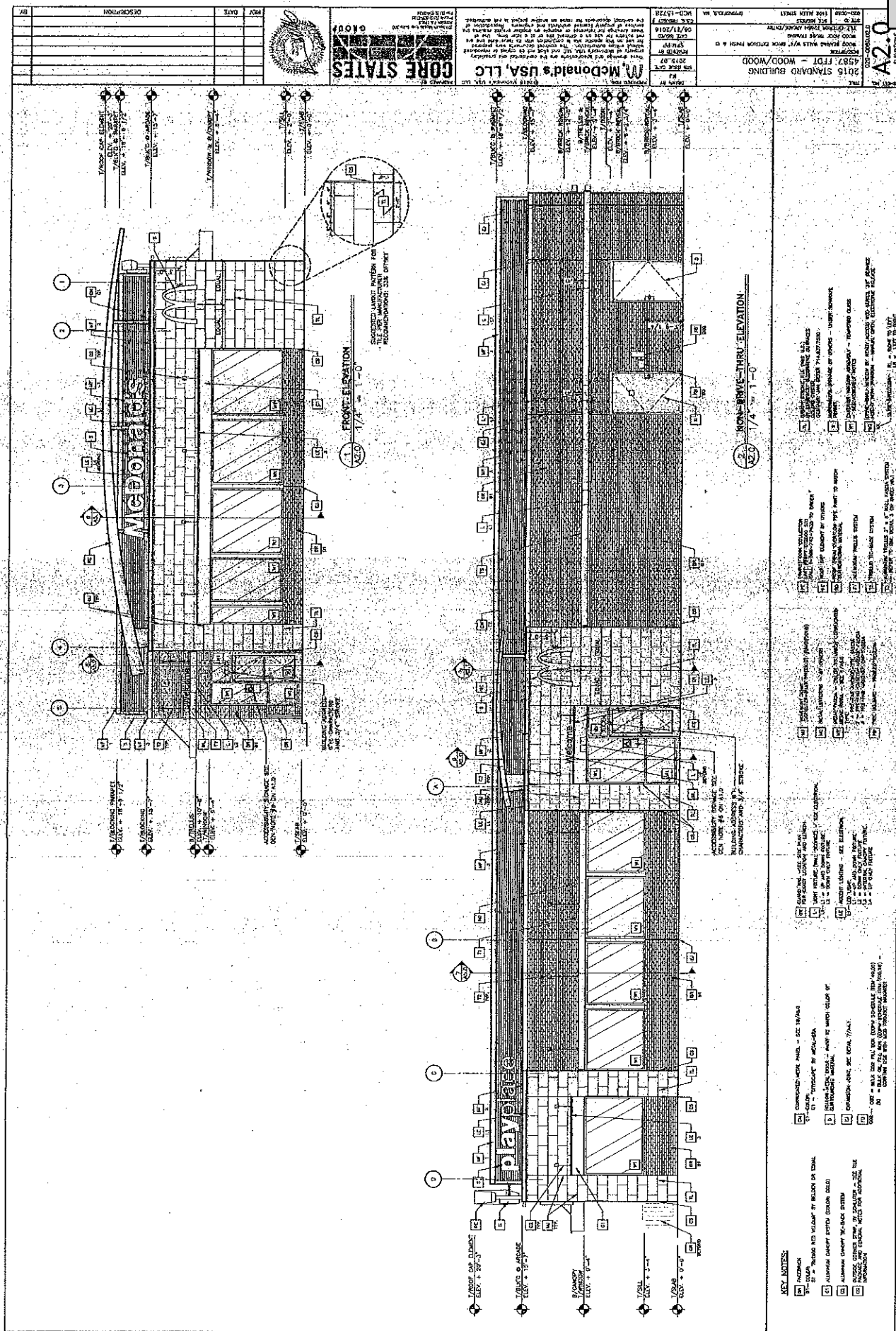
A vertical color calibration bar featuring a grayscale ramp from black to white, with numerical markings at 20, 40, 60, 80, and 100. Below the ramp are several color patches, including primary and secondary colors, used for ensuring color accuracy in digital imaging.











Proposed Location

Allen St

Talmadge Dr



SPRINGFIELD  
GIS

City of Springfield, Massachusetts



DATA SOURCE:

1398 Allen Street



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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3819

**ADOPTED**

**PETITION (ID # 3819)**

**For a Special Permit to Allow for the Installation of a Wall Sign, Above the First Floor, at the Property Known as 1610 Main Street (08130-0149) (A.K.A. 8 Fort Street), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.**

Request: See Above  
Owner: New England Farm Workers Council, Inc.  
By: Heriberto Flores  
Petitioner: Peter Picknelly  
By: Peter Picknelly

**RESULT:** **ADOPTED [12 TO 0]**  
**AYES:** Edwards, Allen, Rooke, Gomez, Walsh, Williams, Ashe, Twiggs, Fenton, Hurst, Williams, Ramos  
**ABSENT:** Kenneth E. Shea

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

for a special permit to allow for the installation of a wall sign, above the first floor, at the property known as 1610 Main Street (08130-0149) (a.k.a. 8 Fort Street), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.

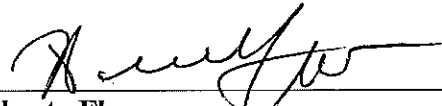
**Mailing Address:**

1628 Main Street  
 Springfield, MA 01103

**Owner:**

**New England Farm Workers Council, Inc.**

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

BY: 

**Heriberto Flores**

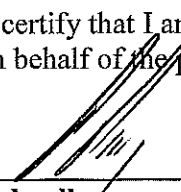
**Mailing Address:**

1776 Main Street  
 Springfield, MA 01103

**Petitioner:**

**Peter Picknelly**

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

By: 

**Peter Picknelly**

RECEIVED  
 SEP 10 2 17 PM  
 CITY OF SPRINGFIELD, MA

Attachment: Main\_St\_1610\_Tax\_Formal (3819 : 1610 Main Street)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

12/14/2016

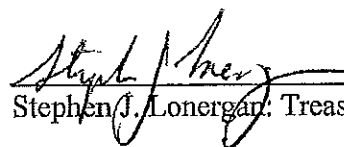
## Special Permit Tax Certification

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

Special Permit : 8 FORT STREET

Petitioner : PETER PICKNELLY

Landlord: HERIBERTO FLORES/ NEW ENGLAND FARMWORKERS COUNCIL

  
Stephen J. Loneragan, Treasurer/Collector

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

---

**1610 MAIN STREET (08130-0149) (A.K.A. 8 FORT STREET)  
WALL SIGN (ABOVE THE FIRST FLOOR)**

*General Information*

---

|                                                       |                                                         |
|-------------------------------------------------------|---------------------------------------------------------|
| <b>Petitioner:</b>                                    | Peter Picknelly                                         |
| <b>Request:</b>                                       | Erect a wall sign above the first floor.                |
| <b>Proposed use of the property:</b>                  | Office building/restaurant.                             |
| <b>Parcel Size:</b>                                   | 22,517 s.f.                                             |
| <b>Compatibility with current planning documents:</b> | The Downtown Master Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | Business Improvement District: 1-3-17                   |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                            |
| <b>Site Visit:</b>                                    | 1-5-17                                                  |
| <b>Hearing Date:</b>                                  | 1-23-17                                                 |

**Neighborhood characteristics:**

---

This site is zoned Business C and is located within the Central Business District. The surrounding land uses include:

- To the north is a mixed-use commercial building zoned Business C.
- To the south is a surface parking lot and commercial building zoned Business C.
- To the west is a surface parking lot zoned Business C.
- To the east is a mixed-use commercial building zoned Business C.

**Site plan review:**

A request has been submitted to install a wall sign, above the first floor at the property known as 1610 Main Street (a.k.a. 8 Fort Street). This is currently the location of the Mass Lottery offices and the Student Prince (The Fort) Restaurant. The proposed sign would be located on the western facade of the building which faces East Columbus Avenue and Interstate 91. The proposed sign will be approximately 770 square feet (35'x22').

As can be seen by the attached plans, the proposed sign will be located on the side of the building which faces the parking lot and East Columbus Avenue. It should be noted that the sign is proposed to be painted directly onto the side of the building. As per the Zoning Ordinance, painting of a sign to a building is not allowed. As such, in addition to the special permit form the City Council for a sign located above the first floor, a variance will also be required from the Springfield Board of Appeals. In addition to the variance for the painting of the sign onto the building, two (2) other variances will also be required. One variance will be needed for the size of the proposed sign and the second variance will be needed for the proposed location of the sign.

After visiting the site and reviewing the submitted plans, the staff does not object to the proposed request. As the Council is well aware, the Student Prince/Fort is an iconic restaurant and a major destination for downtown Springfield.

Additionally, the staff believes the proposed sign is in scale with the building and architecturally appropriate.

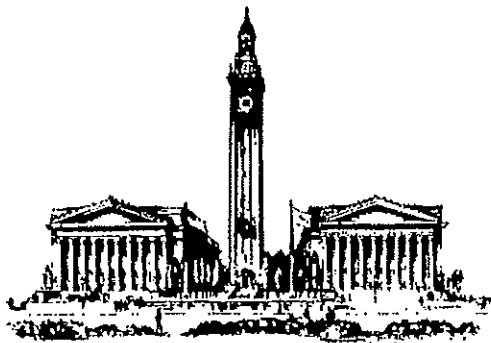


### Recommendation

Approve, with conditions.

### Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the installation of one (1) accessory wall sign, above the first floor, at the property known as 1610 Main Street (08130-0149)(a.k.a. 8 Fort Street).
3. The use shall be developed as per the attached plans and elevations, with the addition of condition #4 through #6.
4. All signage shall be fully permitted through the Building Department, prior to installation.
5. Any and all variances shall be obtained from the Springfield Board of Appeals, prior to installation.
6. There shall be no additional wall signs, above the second floor, at this property.
7. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

12/14/2016

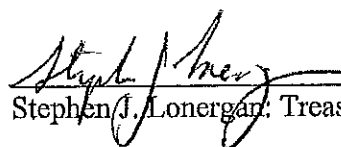
**Special Permit  
Tax Certification**

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

Special Permit : 8 FORT STREET

Petitioner : PETER PICKNELLY

Landlord: HERIBERTO FLORES/ NEW ENGLAND FARMWORKERS COUNCIL

  
Stephen J. Loneragan, Treasurer/Collector



### Student Prince – Proposed Signage



Attachment: Main\_St\_1610\_2017 (3819 : 1610 Main Street)

Student Prince LLC  
8-14 Fort Street  
Springfield MA 01103  
(413) 734-7475

Proposed Location

Hampden St

Main St

Fort St

Worthington St

|                                                                                                         |                           |                                    |
|---------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------|
| <br>N<br>W<br>S<br>E | SPRINGFIELD<br><b>GIS</b> | City of Springfield, Massachusetts |
|                                                                                                         | DATA SOURCE:              | <b>1610 Main Street</b>            |

Attachment: Main St\_1610\_2017 (3819 : 1610 Main Street)



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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3820

**TABLED**

**PETITION (ID # 3820)**

**For a Special Permit for Motor Vehicle Rentals (Trucks and Trailers) at the Property Known as 88 Birnie Avenue (01480-0049) and WS Birnie Avenue (01480-0053), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2.**

|             |                                  |
|-------------|----------------------------------|
| Request:    | See Above                        |
| Owner:      | 88-90 Birnie Avenue Realty Trust |
| By:         | Richard Bonavita/Carol Slate     |
| Petitioner: | Amerco Real Estate Company       |
| By:         | Carlos Vizcarra                  |

**RESULT: LAY ON TABLE**

**Next: 2/27/2017 7:00 PM**

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

2016 DEC -1 P 1:31

for a special permit for motor vehicle rentals (trucks and trailers) at the property known as 88 Birnie Avenue (01480-0049) and WS Birnie Avenue (01480-0053), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2.

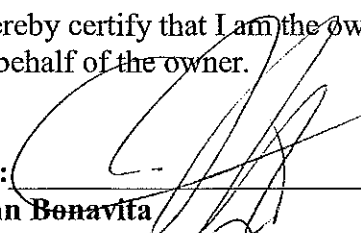
**Mailing Address:**

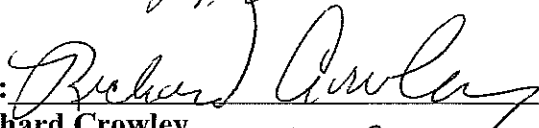
15 Great Brook Drive  
 Southwick, MA 01077

**Owner:**

**88-90 Birnie Avenue Realty Trust**

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

BY:   
 John Benavita

BY:   
 Richard Crowley

BY:   
 Carol Slate

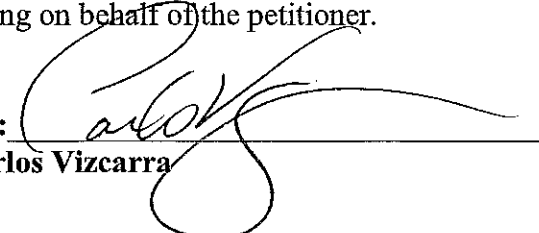
**Mailing Address:**

2727 N. Central Ave., Suite 500  
 Phoenix, AZ 85004

**Petitioner:**

**Amerco Real Estate Company**

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

BY:   
 Carlos Vizcarra

Attachment: Birnie\_Ave\_88\_Tax\_Formal (3820 : 88 Birnie Avenue)



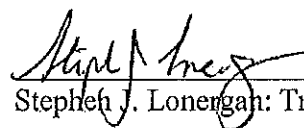
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

09/22/2016

## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below. In the interest of full disclosure however, The Council should be aware that the owners of this parcel owned two parcels on Lyman St. 135 and 139-141, which were foreclosed upon by the City for non payment of real estate taxes :

Special Permit : 88 BIRNIE AVENUE  
Petitioner : STEPHANY SHEEKEY  
LandLord: 88-90 BIRNIE AVE REALTY TRUST

  
Stephen J. Lonergan: Treasurer/Collector

Attachment: Birnie\_Ave\_88\_Tax\_Formal (3820 : 88 Birnie Avenue)

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

---

**88 BIRNIE AVENUE (01480-0049)  
MOTOR VEHICLE RENTALS**

*General Information*

---

|                                                       |                                                                      |
|-------------------------------------------------------|----------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Amerco Real Estate Company                                           |
| <b>Request:</b>                                       | Motor vehicle rentals                                                |
| <b>Proposed use of the property:</b>                  | Indoor storage and motor vehicle rentals                             |
| <b>Size:</b>                                          | 101,036 s.f.                                                         |
| <b>Compatibility with current planning documents:</b> | The Memorial Square Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | New North Citizens Council: 1-3-17                                   |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                                         |
| <b>Site Visit:</b>                                    | 1-5-17                                                               |
| <b>Hearing Date:</b>                                  | 1-23-17                                                              |

*Staff Analysis*

---

**Neighborhood characteristics:**

The parcel is currently zoned Industrial A and is located in a primarily commercial/industrial area. The surrounding land uses include:

- To the north is the German Gerena Community School zoned Industrial A.
- To the south is a recycling facility zoned Industrial A.
- To the east is Interstate 91.
- To the west are rail road tracks.

**Site plan review:**

The petitioner has requested a special permit to allow for the renting of motor vehicles (U-Haul) at the property known as 88 Birnie Avenue. This site was the former location of a larger warehouse retail operation. The petitioner has submitted plans indicating that the existing building will now be converted into an indoor storage facility with accessory rentals of U-Haul vehicles.

After reviewing the site plan and visiting the site, the staff does not object to the proposed request. As noted above, the site is currently vacant and the existing building will be converted into a number of indoor self-storage units. A row of new storage units would also be constructed along the northern property line. It should be noted that indoor storage is a by-right use under Industrial A zoning. As an accessory use to the indoor storage facility, the petitioner is also requesting to be allowed to rental vehicles. As noted above, this would be a U-Haul operated facility.

As can be seen by the attached plan, the property has a very large parking area which can provide more than adequate space for the proposed rental vehicles as well as providing parking for both customers and employees.

After visiting the site, it was noted that the existing fence is in poor condition. If this special permit is approved, the staff would recommend that a new fence be required. The staff would recommend that the new fencing consist of black chain link. Also, it was noted that there is currently a four (4) chain link fence that runs along the front of the building. The staff does not see a need for this



fencing, other than to hinder maintenance of the landscaping along the front of the building and the collection area for trash and debris. The staff would strongly recommend that this portion of the fencing be removed. Lastly, it should be noted that barbed wire and/or razor wire is not allowed along the front lot line. Barbed wire can be installed along the sides and rear of the property.

#### Supplemental Review:

After having further conversations with the petitioner, it has been brought to the staff's attention that the petitioner does not intend to keep the fencing up around the perimeter of the parking lot. As such, the staff is amending the conditions to reflect this new information.

#### Recommendation

Approve, with conditions.

#### Revised Recommended Conditions

1. This special permit is granted solely for motor vehicle rentals at the property known as 88 Birnie Avenue (01480-0049) and WS Birnie Avenue (01480-0053).
2. The use shall be developed as per the attached plans, dated November 28, 2016, with the addition of conditions #3 through #9.
3. ~~The existing six (6) foot, chain link fence running along the frontage of Birnie Avenue shall be replaced with a new, six (6) foot, black vinyl chain link fence. As per the Zoning Ordinance (Article 7, Section 7.4.24), there shall be no barbed or razor wire located along the front property line.~~
3. The existing four (4) foot, chain link fencing along the front of the building as well as the existing fencing along the perimeter of the parking lot shall be removed.
4. Any and all Building Permits, including sign permits, shall be obtained prior to start of construction.
5. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Article VIII, §27-29, may be required. This approval, if required, must be obtained prior to the issuance of a Building Permit.
6. The public tree belt and sidewalks along Birnie Avenue shall be maintained, including snow removal.
7. All landscaped area shall be maintained and kept free of all litter, trash and debris.

8. The building shall be maintained graffiti free.
9. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



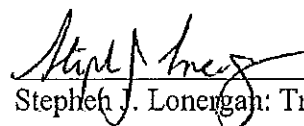
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

09/22/2016

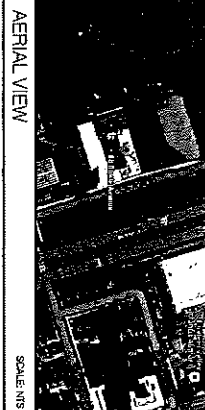
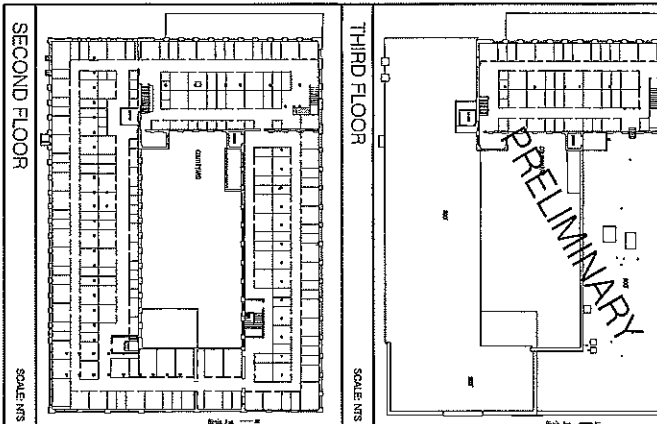
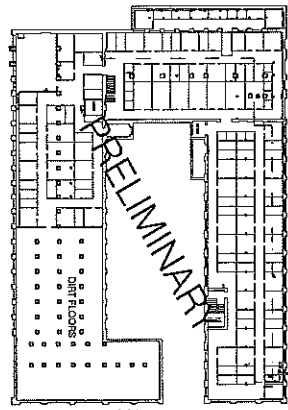
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Special Permit : 88 BIRNIE AVENUE  
Petitioner : STEPHANY SHEEKEY  
LandLord: 88-90 BIRNIE AVE REALTY TRUST

  
Stephen J. Lonergan: Treasurer/Collector

## SCALE: NTS



2016 AMERCO REAL ESTATE COMPANY

| <div>AMERCO<br/>REAL ESTATE COMPANY<br/>88 BRINE AVE<br/>SPRINGFIELD VA 01102<br/>TEL: 434-351-5500<br/>F: (434) 351-5502</div> |                                   | <div>PRELIMINARY DOCUMENTS FOR<br/>NOT FOR CONSTRUCTION<br/>INFORMATION ONLY</div> <div>PROJECT/SUBJ. DATA:<table><tr><th>NO.</th><th>DATE</th><th>ACRES</th><th>NOTES</th></tr><tr><td>1</td><td></td><td></td><td></td></tr><tr><td>2</td><td></td><td></td><td></td></tr><tr><td>3</td><td></td><td></td><td></td></tr><tr><td>4</td><td></td><td></td><td></td></tr><tr><td>5</td><td></td><td></td><td></td></tr><tr><td>6</td><td></td><td></td><td></td></tr><tr><td>7</td><td></td><td></td><td></td></tr><tr><td>8</td><td></td><td></td><td></td></tr><tr><td>9</td><td></td><td></td><td></td></tr><tr><td>10</td><td></td><td></td><td></td></tr></table></div> | NO.   | DATE | ACRES | NOTES | 1 |  |  |  | 2 |  |  |  | 3 |  |  |  | 4 |  |  |  | 5 |  |  |  | 6 |  |  |  | 7 |  |  |  | 8 |  |  |  | 9 |  |  |  | 10 |  |  |  |
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| NO.                                                                                                                             | DATE                              | ACRES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NOTES |      |       |       |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |    |  |  |  |
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| <div>OFFICE ADDRESS:<br/>88 BRINE AVE<br/>SPRINGFIELD VA 01102<br/>SHEET COMMENTS:<br/>PREPARED<br/>SHELTON</div>               | <div>791074</div> <div>SP-1</div> | <div>REVISIONS:</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |      |       |       |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |   |  |  |  |    |  |  |  |

Proposed Location

Birnie Av

I-91

Huntington St

Greenwich St

Attachment: Birnie Ave 88 2017 Amended (3820 : 88 Birnie Avenue)

|                                                                                                                  |                                    |                         |
|------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| <br>SPRINGFIELD<br><b>GIS</b> | City of Springfield, Massachusetts |                         |
|                                                                                                                  | DATA SOURCE:                       | <b>88 Birnie Avenue</b> |





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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3821

**ADOPTED**

**PETITION (ID # 3821)**

**For Special Permit to Re-Establish a Pre-Existing, Non-Conforming Use (Motor Vehicle Service Station/Car Wash), at the Properties Known as 1830 Wilbraham Road (12282-0326) and WS Parker Street (09510-0611) as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.**

|             |                                  |
|-------------|----------------------------------|
| Request:    | See Above                        |
| Owner:      | John & Melba Radner, Trustees    |
| By:         | John G. Radner                   |
| Petitioner: | Petrogas Group New England, Inc. |
| By:         | Trevor Moore                     |

|                |                                                                                             |
|----------------|---------------------------------------------------------------------------------------------|
| <b>RESULT:</b> | <b>ADOPTED [12 TO 0]</b>                                                                    |
| <b>AYES:</b>   | Edwards, Allen, Rooke, Gomez, Walsh, Williams, Ashe, Twiggs, Fenton, Hurst, Williams, Ramos |
| <b>ABSENT:</b> | Kenneth E. Shea                                                                             |

*The undersigned respectfully petition your honorable body*

for special permit to re-establish a pre-existing, non-conforming use (motor vehicle service station/car wash), at the properties known as 1830 Wilbraham Road (12282-0326) and WS Parker Street (09510-0611) as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

2016 DEC 30 A 10:01

**Mailing Address:**

PO Box 385  
Allentown, PA 18101

**Owner:**

**John & Melba Radner, Trustees**

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

By: Linda A. Kay, Trustee

BY: John G. Radner  
John G. Radner

**Mailing Address:**

797 Old Country Road  
Plainview, NY 11803

**Petitioner:**

**Petrogas Group New England, Inc.**

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

BY: Trevor Moore  
Trevor Moore

Attachment: Wilbraham\_Rd\_1830\_Tax\_Formal (3821 : 1830 Wilbraham Road)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

12/14/2016

## Special Permit Tax Certification

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

Special Permit : 1830 WILBRAHAM ROAD

Petitioner : PETROGAS GROUP NEW ENGLAND, INC. C/O TREVOR MOORE

Landlord: MELBA & JOHN G. RADNER TRUSTEES

Stephen J. Lonergan: Treasurer/Collector

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

**1830 WILBRAHAM ROAD (02282-0329) AND WS PARKER STREET (09510-0611)  
NON-USE- COMMERCIAL (MOTOR VEHICLE SERVICE/CAR WASH)**

*General Information*

|                                                       |                                                                                                 |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Petrogas Group New England, Inc.                                                                |
| <b>Request:</b>                                       | For a special permit to re-establish a pre-existing, non-conforming use (gas station/car wash). |
| <b>Proposed use of the property:</b>                  | Motor vehicle service station and car wash.                                                     |
| <b>Parcel Size:</b>                                   | 34,622 s.f.                                                                                     |
| <b>Compatibility with current planning documents:</b> | The Sixteen Acres Neighborhood Plan does not show any changes to this area.                     |
| <b>Neighborhood council notification:</b>             | Sixteen Acres Civic Association: 1-3-17                                                         |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                                                                    |
| <b>Site Visit:</b>                                    | 1-5-17                                                                                          |
| <b>Hearing Date:</b>                                  | 1-23-17                                                                                         |

*Staff Analysis*

**Neighborhood characteristics:**

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

- To the north is a small, multi-tenanted retail operation zoned Business A.
- To the south is a CVS Pharmacy zoned Business A.
- To the west is a restaurant and single-family home zoned Business A and Residence A.
- To the east is gas station and commercial shopping plaza zoned Business A.

**Site plan review:**

The petitioner has requested a special permit to re-establish a pre-existing, non-conforming use (gas station/car wash) at the property known as 1830 Wilbraham Road. The site has been vacant for a number of years and was the former location of a Mobile gas station with an accessory car wash.

As noted above, the petitioner is requesting to re-open an existing gas station at the intersection of Wilbraham Road and Parker Street. The plans submitted indicate that an addition would be added to the existing building and the building would then be converted into a 2,980±, square foot convenience store. As proposed, there would no longer be any automotive repairs completed at this site.

In addition, the existing carwash building would remain and be renovated. It should also be noted that the

direction a vehicle enters the car wash would be changed so that a vehicle enters from the front of the building as opposed to how it was done previously where the vehicle would enter in from the rear.

Further, the plans submitted indicate that three (3) fuel dispensers would be removed. Currently there are eight (8) fuel dispensers for a total of sixteen (16) fueling positions. When renovated, there would only be five (5) fuel dispensers for a total of ten (10) fueling positions.

Currently, there are three (3) existing curb cuts at this location. Two (2) curb cuts onto Wilbraham Road and one (1) curb cut onto Parker Street. The plan submitted indicates that no alterations are planned to any of the three (3) curb cuts and no additional curb cuts are being proposed.



Lastly, it should be noted that in the paperwork submitted by the petitioner, they indicated they would also be looking for a liquor license for this location as well as being able to be open 24-hours a day. With regards to the proposed liquor license, this is a separate application that will need to be filed with the License Commission. With regards to the proposed 24-hours operation, while the staff does not object to the gas station/convenience store portion of the operation being open 24-hours, due to the close proximity of a residential abutter, the staff would not be in favor of the car wash being open 24-hours a day. It would be the staff's recommendation that the hours of operation for the car wash portion of the operation be limited to opening no earlier than 7:00AM and closing no later than 9:00PM.

### *Recommendation*

Approve with conditions.

### *Recommended Conditions*

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely to re-establish a pre-existing, non-conforming commercial use (gas station/car wash) at the properties known as 1830 Wilbraham Road (12282-0326) and WS Parker Street (09510-0611).
3. The use shall be developed in accordance to the attached site plans and elevations, dated December 20, 2016, with the additions of condition #4 through #10.
4. The hours of operation of the car wash shall be from 7:00 AM to 9:00 PM, Monday through Sunday.
5. There shall be no deliveries or servicing of the dumpster prior to 7:00 AM.
6. The dumpster(s) shall be completely enclosed.
7. The building shall be maintained free of all graffiti.
8. The site shall be maintained free of all litter, debris and/or weeds.
9. The tree-belts shall be maintained free of all overgrown vegetation, trash and debris.
10. The public sidewalks along Wilbraham Road and Parker Street shall be maintained, including snow

removal.

11. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

12/14/2016

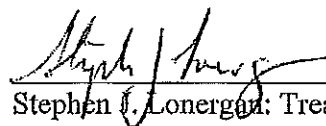
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Petitioner : PETROGAS GROUP NEW ENGLAND, INC. C/O TREVOR MOORE

Landlord: MELBA & JOHN G. RADNER TRUSTEES

  
Stephen J. Lonergan: Treasurer/Collector







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MANAGEMENT AND INSPECTION  
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| PROPOSED 7-ELEVEN CONVENIENCE STORE AND CARWASH |      |
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| NO. 100                                         | 1000 |

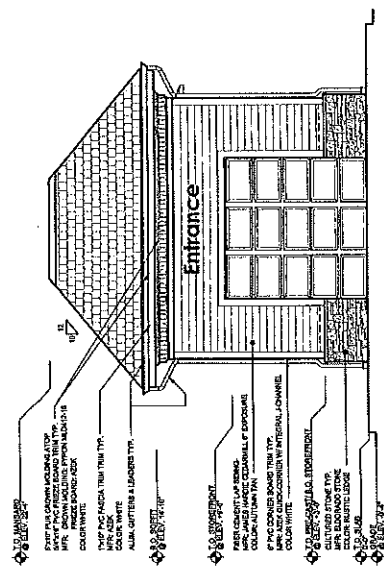


PROPOSED 7-ELEVEN CONVENIENCE STORE AND CARWASH  
1000 WILBRAHAM RD  
SPRINGFIELD, MASSACHUSETTS 01119

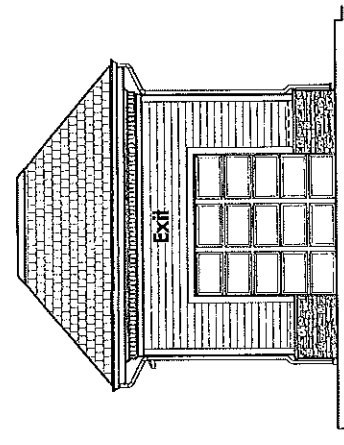
| NO. | DATE     | BY | CHK'D | PROJECT  |
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PROPOSED EXTERIOR ELEVATIONS CARWASH

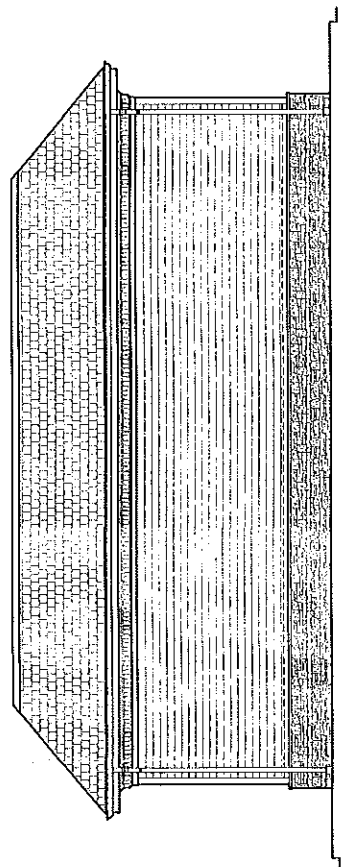
A2.0



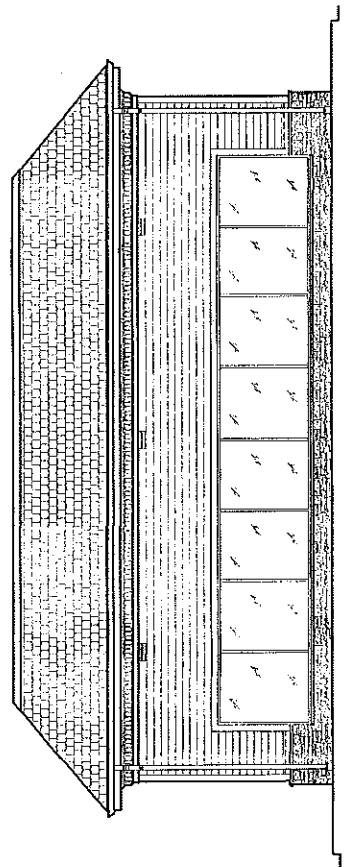
1 FRONT (SOUTH) ELEVATION (WILBRAHAM ROAD)  
1/4" = 1'-0"



3 REAR (NORTH) ELEVATION  
1/4" = 1'-0"



2 LEFT SIDE (WEST) ELEVATION  
1/4" = 1'-0"



4 RIGHT SIDE (EAST) ELEVATION  
1/4" = 1'-0"

Kane St

Proposed Location

Wilbraham Rd

Parker St

Puritan Rd

Attachment: Wilbraham\_Rd\_1830\_2017 (3821 : 1830 Wilbraham Road)

|                                                                                                                                                                                             |                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <br><br>DATA SOURCE: | City of Springfield, Massachusetts |
|                                                                                                                                                                                             | <b>1830 Wilbraham Road</b>         |



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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3822

**TABLED**

**PETITION (ID # 3822)**

**For Special Permit to Operate a Restaurant with a Drive-Up Service Window, at the Properties Known as 2433 Main Street (08130-0452), WS Main Street (08130-0453 & 0454) and a Portion of 18 Morgan Street (08830-0004), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).**

|             |                     |
|-------------|---------------------|
| Request:    | See Above           |
| Owner:      | David Della Torre   |
| By:         | David Della Torre   |
| Petitioner: | GF Enterprises, LLC |
| By:         | George Fellows      |

**RESULT: LAY ON TABLE**

**Next: 2/27/2017 7:00 PM**

RECEIVED

2016 DEC 30 A 10:00

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

for special permit to operate a restaurant with a drive-up service window, at the properties known as 2433 Main Street (08130-0452), WS Main Street (08130-0453 & 0454) and a portion of 18 Morgan Street (08830-0004), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 19.1(2).

**Mailing Address:**

18 Morgan Street  
 Springfield, MA 01107

**Owner:**

David Della Torre

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

BY:   
 David Della Torre

**Mailing Address:**

462 Mariner Drive  
 Jupiter, FL 33477

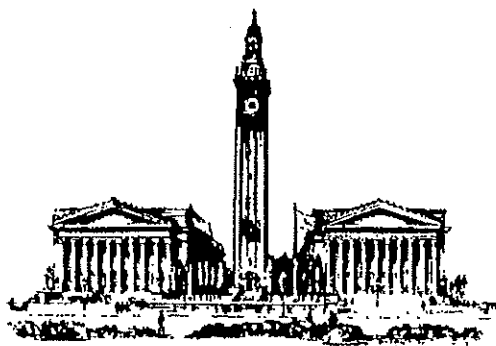
**Petitioner:**

GF Enterprises, LLC

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

BY:   
 George Fellows

Attachment: Main\_St\_2433\_Tax\_Formal (3822 : 2433 Main Street)



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

12/07/2016

## Special Permit Tax Certification

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

Special Permit : 2433 MAIN STREET

Petitioner : GF ENTERPRISES, LLC C/O GEORGE FELLOWS

Landlord: DAVID DELLA TORRE

 Asst. Treasurer  
Stephen J. Conergan: Treasurer/Collector

Attachment: Main\_St\_2433\_Tax\_Formal (3822 : 2433 Main Street)

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

---

**2433 MAIN STREET (08130-0452) & WS MAIN STREET (08130-0453, 0454)  
DRIVE-UP SERVICE WINDOW**

*General Information*

---

|                                                       |                                                                      |
|-------------------------------------------------------|----------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | GF Enterprises, LLC                                                  |
| <b>Request:</b>                                       | Drive-up service window                                              |
| <b>Proposed use of the property:</b>                  | Taco Bell Restaurant                                                 |
| <b>Parcel Size:</b>                                   | 23,098 s.f.                                                          |
| <b>Compatibility with current planning documents:</b> | The Memorial Square Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | New North Citizens Council: 1-3-17                                   |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                                         |
| <b>Site Visit:</b>                                    | 1-5-17                                                               |
| <b>City Council Hearing:</b>                          | 1-23-17                                                              |

*Staff Analysis*

---

**Neighborhood characteristics:**

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

- To the north is a day care center zoned Business A.
- To the south are vacant parcels zoned Business A.
- To the east is a warehouse/storage building zoned Business B.
- To the west is a commercial shopping plaza zoned Business A and Business B.

**Site plan review:**

The petitioner has requested a special permit for a drive-up service window at the property known as 2433 Main Street. This site is currently vacant and was formally used for parking of equipment. The petitioner intends to construct a new 2,053±, square foot Taco Bell Restaurant with a drive-up service window. The site is located at the intersection of Main Street and Morgan Street. It should be noted that the staff has been in conversations with the developer over the last several months.

The developer had submitted an original plan that had the building set back with the drive-up service window and lane located in the front of the building, parallel to Main Street. The staff made it clear to the developer that this was not an acceptable design as the building would be completely cut off from any pedestrian access.

As with all new developments, the staff continues to stress that these new developments cannot be just designed for vehicular traffic but must be designed for pedestrian traffic as well, especially in areas with large residential populations. As such, the developer submitted a revised design.

As can be seen on the attached plan, the building has now been relocated and re-oriented on the parcel. The building will now have a direct pedestrian access to Main Street, while still allowing for the accessory drive-up window. The proposed drive-up window and lane will wrap around the back of the building and have an exit-only curb cut onto Main Street. An additional, two-way, curb cut onto the site will be located off Morgan Street.



Overall, the staff is very pleased with this new design as this will now allow a pedestrian to access the site without having to cross the drive-up lane or parking lot. It should also be noted that an outdoor seating area will also be installed as part of this development. The staff firmly believes that these outdoor seating areas add a significant amenity to these developments and are used frequently by the customers.

In addition to the site plan, a landscaping plan was also submitted. As per the attached plans, a number of areas are to be sodded. As such, the petitioner should be required to irrigate the site to ensure that these areas remain viable. Also, it should be noted that the buffer along the Main Street sidewalk is proposed to only be grassed. The staff does not believe that this meets the underlying zoning and therefore should also include an evergreen hedge, not to exceed three (3) feet in height. This, again, will help to buffer the pedestrian from the adjacent parking lot. Further, the existing street tree with the public tree belt should not be removed. Lastly, the plans submitted do not show any fencing along the rear and side of the site. If approved, that staff would recommend that in addition to the proposed landscaped buffer, solid fencing should also be installed.

### Recommendation

Approve, with conditions.

### Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted for a drive-up service window at the properties known as 2433 Main Street (08130-0452) and WS Main Street (08130-0453 & 0454).
3. The use shall be completed as per the attached plans and elevations, dated December 12, 2016, with the addition of conditions #4 through #18.
4. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Article VIII, §27-29, will be required. This approval must be obtained prior to the issuance of a Building Permit.

5. Any and all Building Permits, including sign permits shall be obtained, prior to start of construction.
6. The public sidewalks along Main Street and Morgan Street shall remain at grade and shall not be depressed to accommodate the curb cuts.
7. All landscaping shall be installed as per submitted plans with the addition of an evergreen hedge, not to exceed three (3) feet in height, along the Main Street frontage.
8. All landscaped areas shall be irrigated and maintained.
9. There shall be no outside storage of materials beyond the enclosed dumpster area.
10. The dumpster(s) shall be completely enclosed.
11. The petitioner shall place one (1) bicycle rack on the property.
12. There shall be no additional advertising material located on any directional signage or light poles.
13. The site shall be maintained free of all weeds, trash and debris.
14. The public sidewalks along Main Street and Morgan Street shall be maintained, including snow removal.
15. There shall be no banner, streamers or other promotional materials placed in outside areas, with the exception of a grand opening event.
16. The building shall be maintained graffiti free.
17. There shall be no loitering.
18. Opaque fencing, six (6) feet in height, shall be installed along the northwest and northeast property lines.
19. 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

12/07/2016

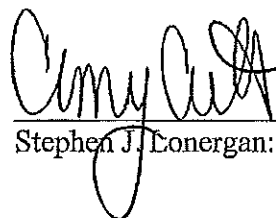
## Special Permit Tax Certification

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

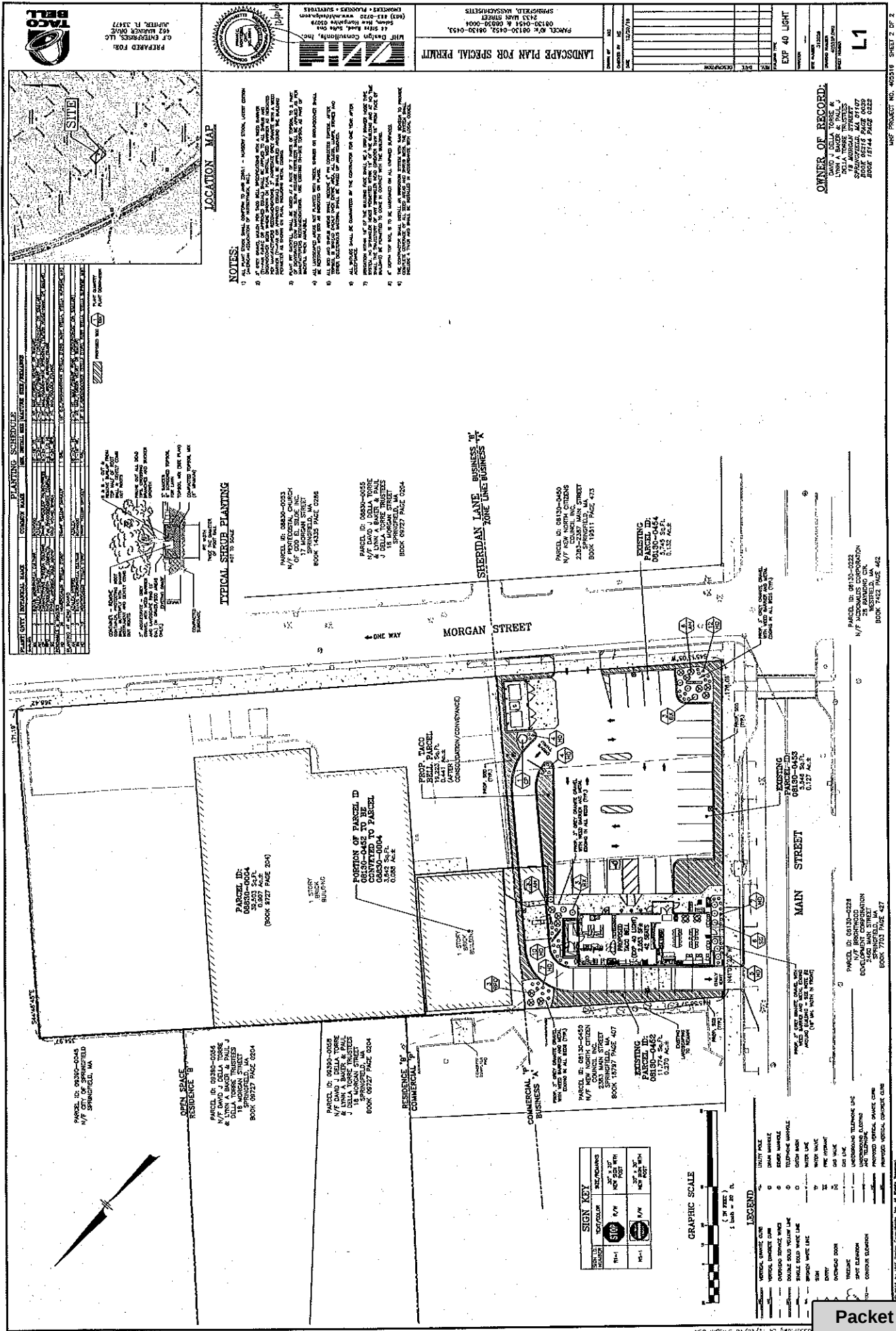
Special Permit : 2433 MAIN STREET

Petitioner : GF ENTERPRISES, LLC C/O GEORGE FELLOWS

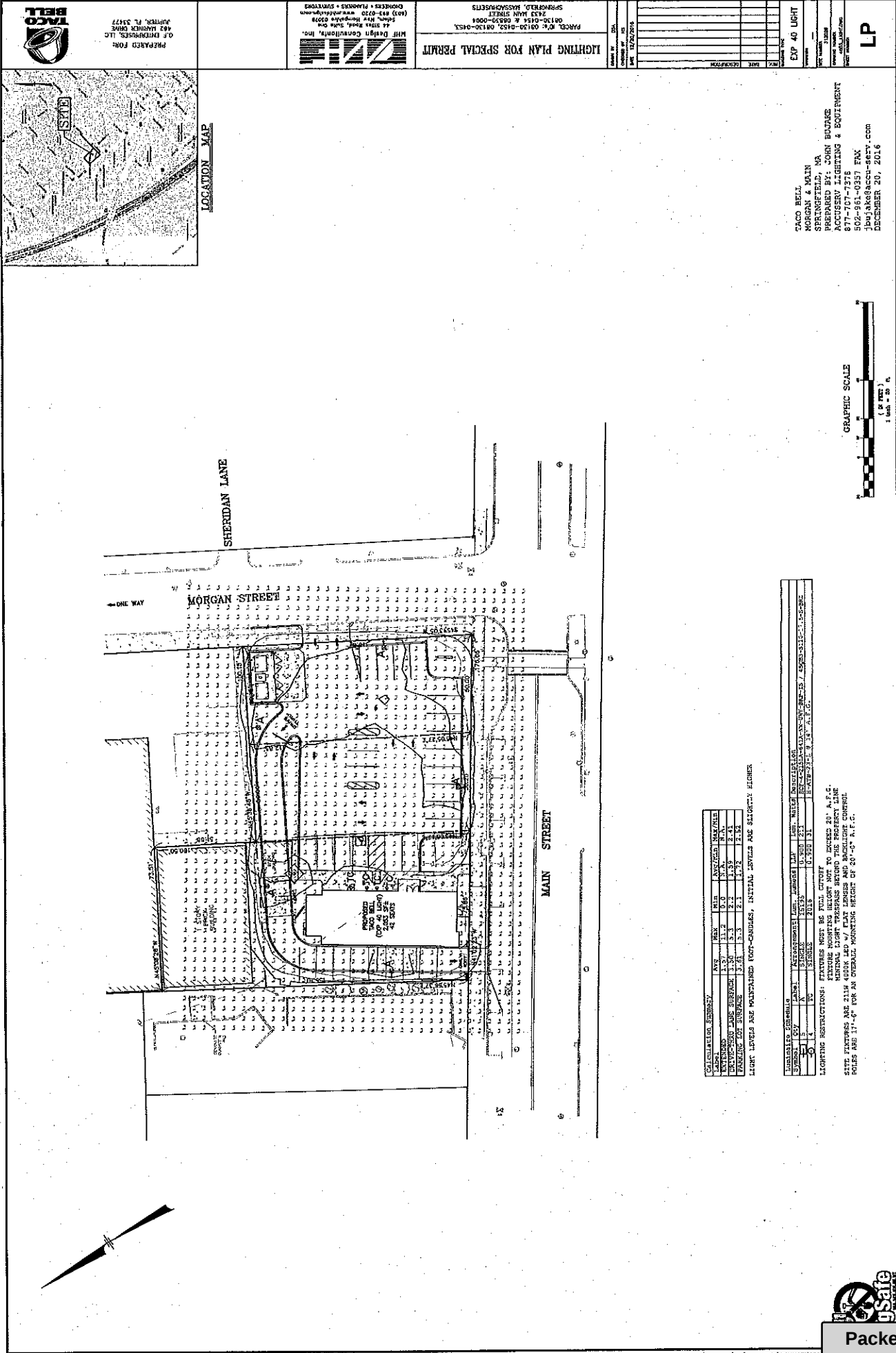
Landlord: DAVID DELLA TORRE

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

Packet Pg. 74



Attachment: Main\_St\_2433\_2017 (3822 : 2433 Main Street)



LOCATION MAP

SHERIDAN LANE

MORGAN STREET

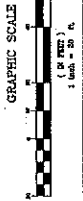
MAIN STREET

| CALCULATED FOOTCANDLES |      |      |     |
|------------------------|------|------|-----|
| AREA                   | AVG  | MIN  | MAX |
| ENTRANCE               | 1.37 | 11.2 | 0.0 |
| DRIVEWAY               | 1.37 | 11.2 | 0.0 |
| PARKING LOT SURFACE    | 1.37 | 11.2 | 0.0 |
| PARKING LOT SURFACE    | 1.37 | 11.2 | 0.0 |

LIGHT LEVELS ARE MAINTAINED FOOT-CANDLES, INITIAL LEVELS ARE SHOWN FIGURES

| LUMINAIRE SPECIFICATIONS |     |              |                  |
|--------------------------|-----|--------------|------------------|
| SYMBOL                   | QTY | MANUFACTURER | MODEL            |
| 1                        | 1   | OSRAM        | OSRAM 100W 100LM |
| 2                        | 1   | OSRAM        | OSRAM 100W 100LM |

LIGHTING RESTRICTIONS: FIXTURES NOT BE FULL CUTOFF  
 FIXTURE MOUNTING HEIGHT NOT TO EXCEED 10' A.F.F.  
 SITE FIXTURES ARE 2116 4000K LED w/ FLAT LENSES AND BACKLIGHT CONTROL  
 POLES ARE 17'-6" FOR AN OVERALL MOUNTING HEIGHT OF 20'-0" A.F.F.



TACO BELL  
 MORGAN & MAIN  
 SPRINGFIELD, VA  
 PREPARED BY: CORN BOUTAGE  
 CORN BOUTAGE ARCHITECTS & ENGINEERS  
 877-707-1378  
 502-981-0357 FAX  
 jlboutage@cornboute.com  
 DECEMBER 20, 2016

LIGHTING PLAN FOR SPECIAL PERMIT

PARCEL: W.P. 00130-0152, 00130-0453  
 2433 MAIN STREET  
 SPRINGFIELD, MASSACHUSETTS  
 01103-0154 & 01103-0004

TACO BELL  
 PREPARED FOR:  
 402 MAIN STREET  
 JUPITER, FL 33417  
 G.F. ENGINEERS, LLC

LP

W.P. PROJECT NO. 005518 SHEET 1 OF 1







13037.100

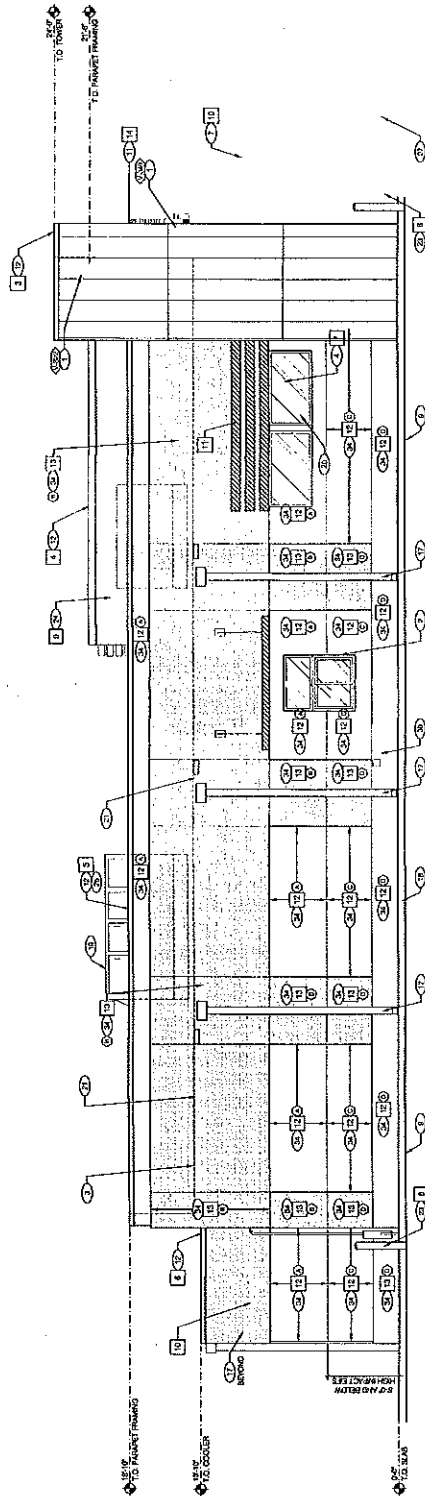
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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

CONTRACT DATE: 04/15/2016  
 BUILDING TYPE: EXP. LITE/DOCK  
 PLANT/ENGINEER: MARK D. MCGILLIUGA  
 SITE NUMBER: 000000  
 PROJECT NUMBER: 000000

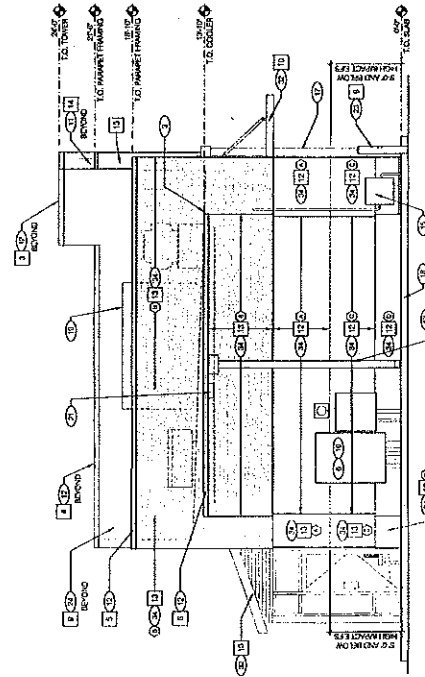
TACO BELL  
 300 MAIN STREET  
 SPRINGFIELD, MA



EXTERIOR  
 ELEVATIONS  
**A4.1B**

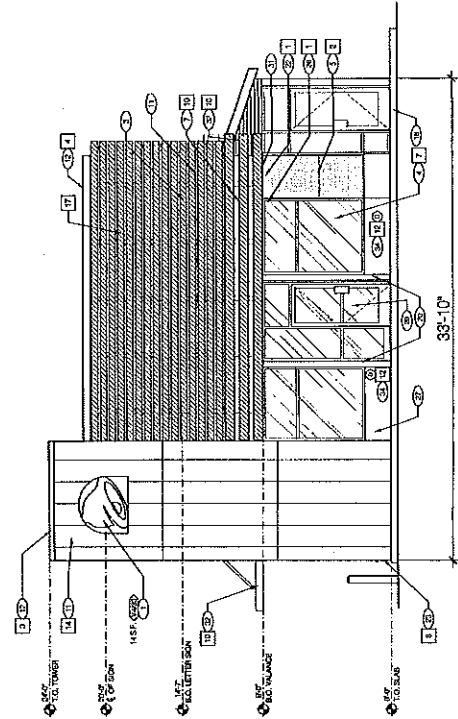


LEFT SIDE ELEVATION 13037.100



REAR ELEVATION 13037.100

NOTES: VERTICAL OPTION IS NOT SHOWN  
 INDEPENDENT OF PIANO OPTION



FRONT ELEVATION 13037.100

**GENERAL SPECIFICATIONS:**

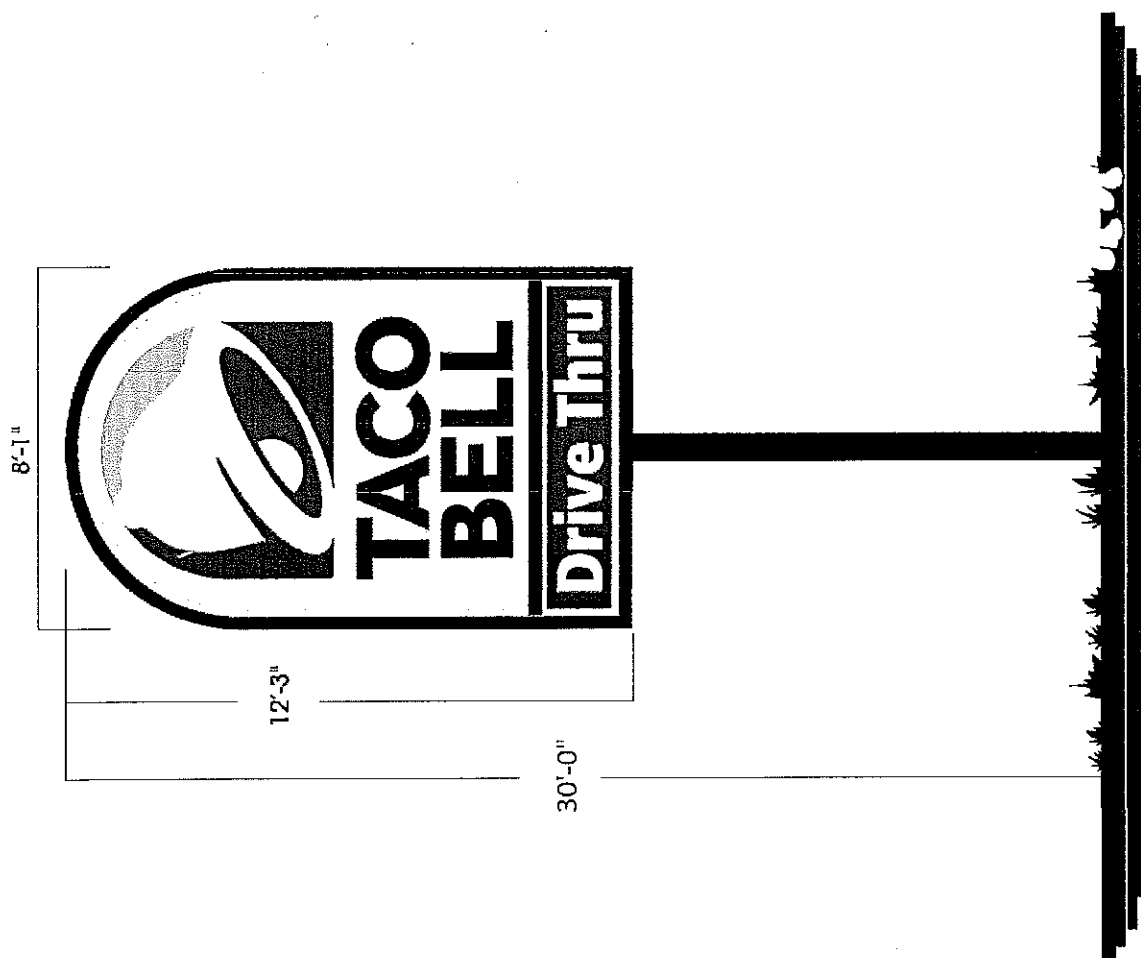
10" deep extruded aluminum cabinet & retainers w/  
Satin Black finish  
Internally illuminated w/ white LEDs;  
Agilight Retrorays, 500 Lumens light bar 50K

**COLORS:**

Dark Purple PMS 2603  
Light Purple PMS 2577  
Black  
White

**TYPE FACE:**

Frutiger 77 Black Condensed



These product details are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to engineering specifications and install drawings.

Everbrite LLC  
4949 S 110th Street, Greenfield, WI 53220  
Phone: 414-529-3500 • Fax: 414-529-7191  
Website: [www.everbrite.com](http://www.everbrite.com)

Part No: E008124  
Description: 93 Sq. Ft. Main ID Sign / Drive Thru

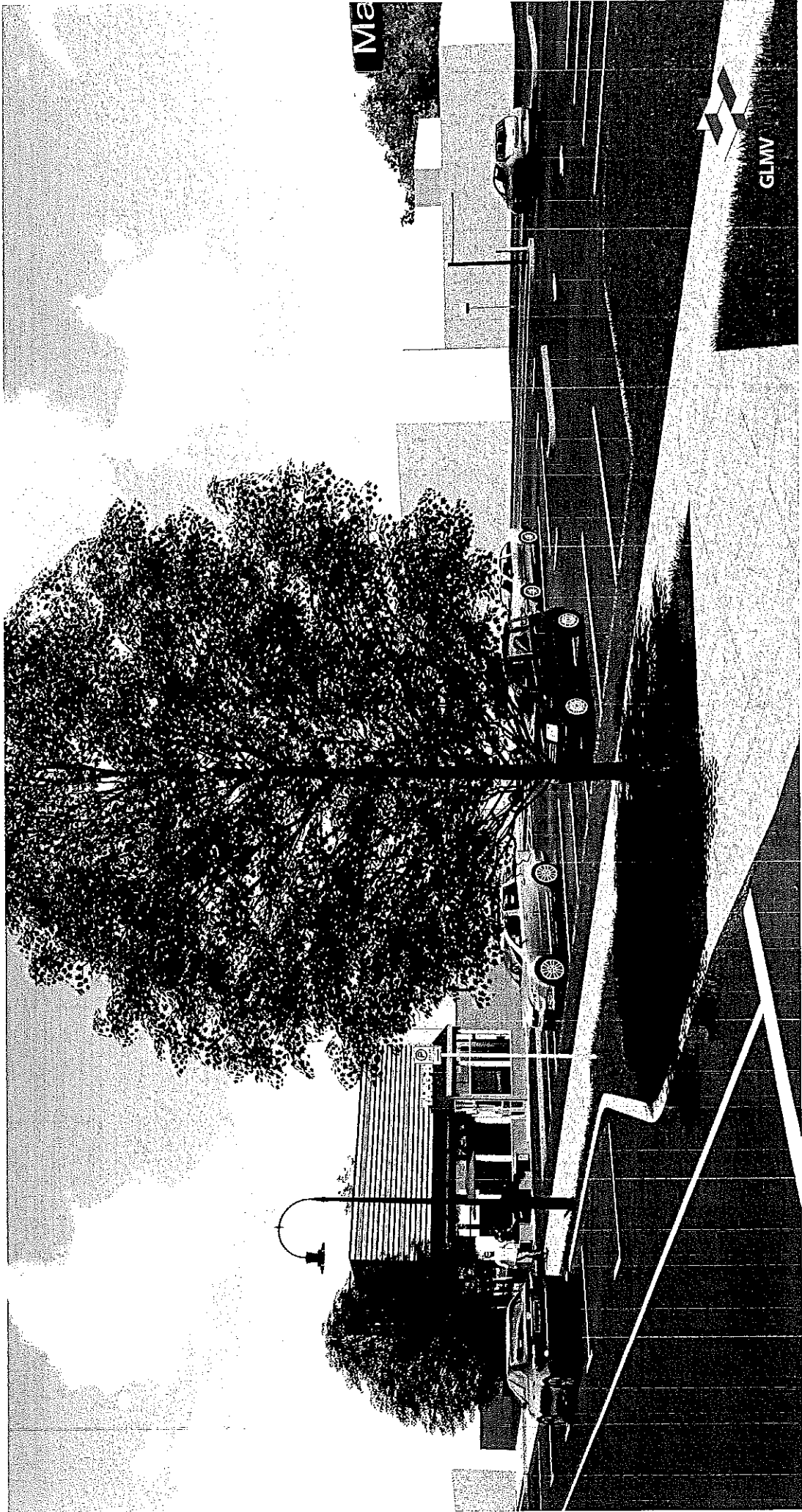
Project No: 350969-2

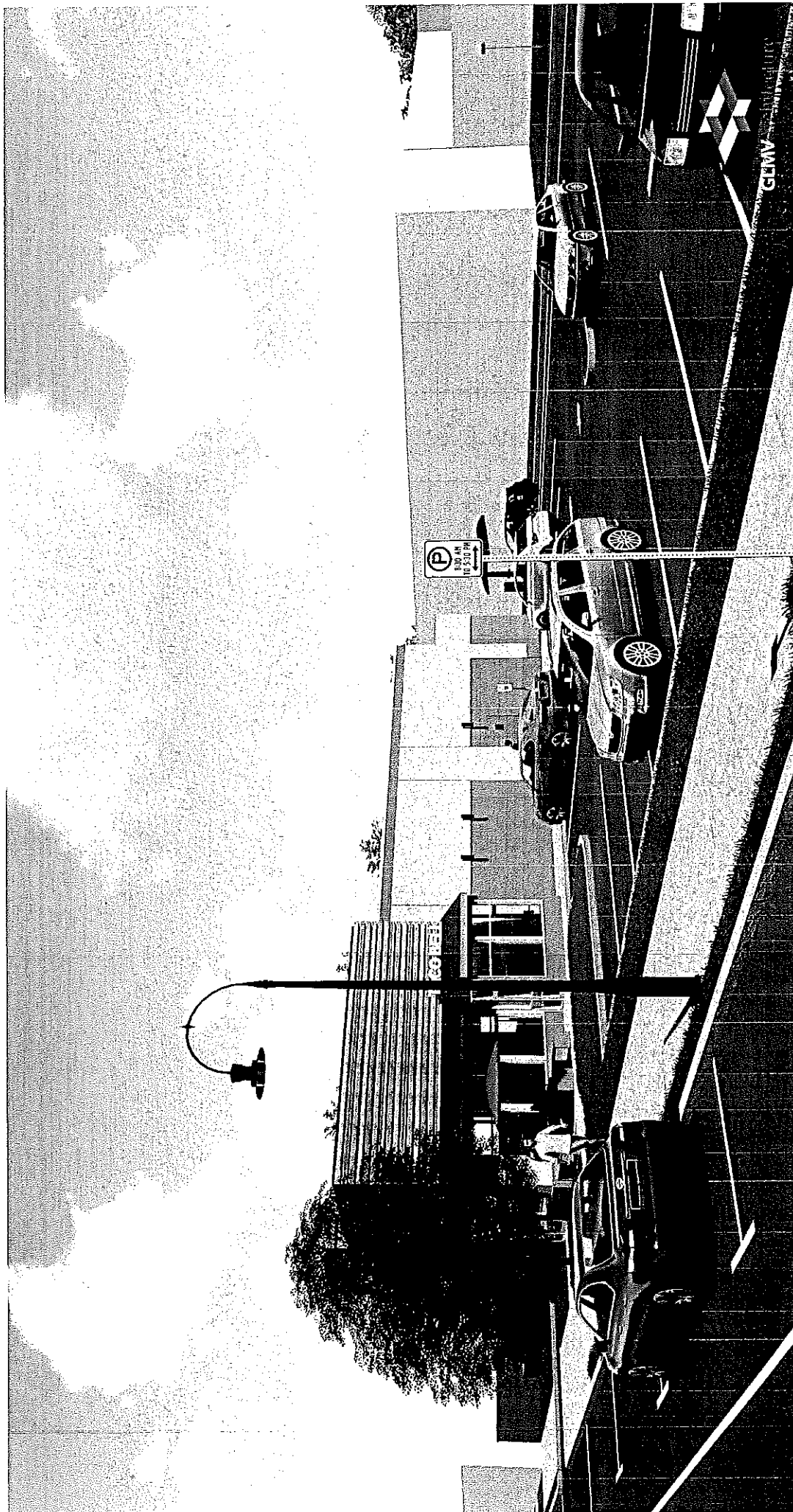
Date: 10/28/16

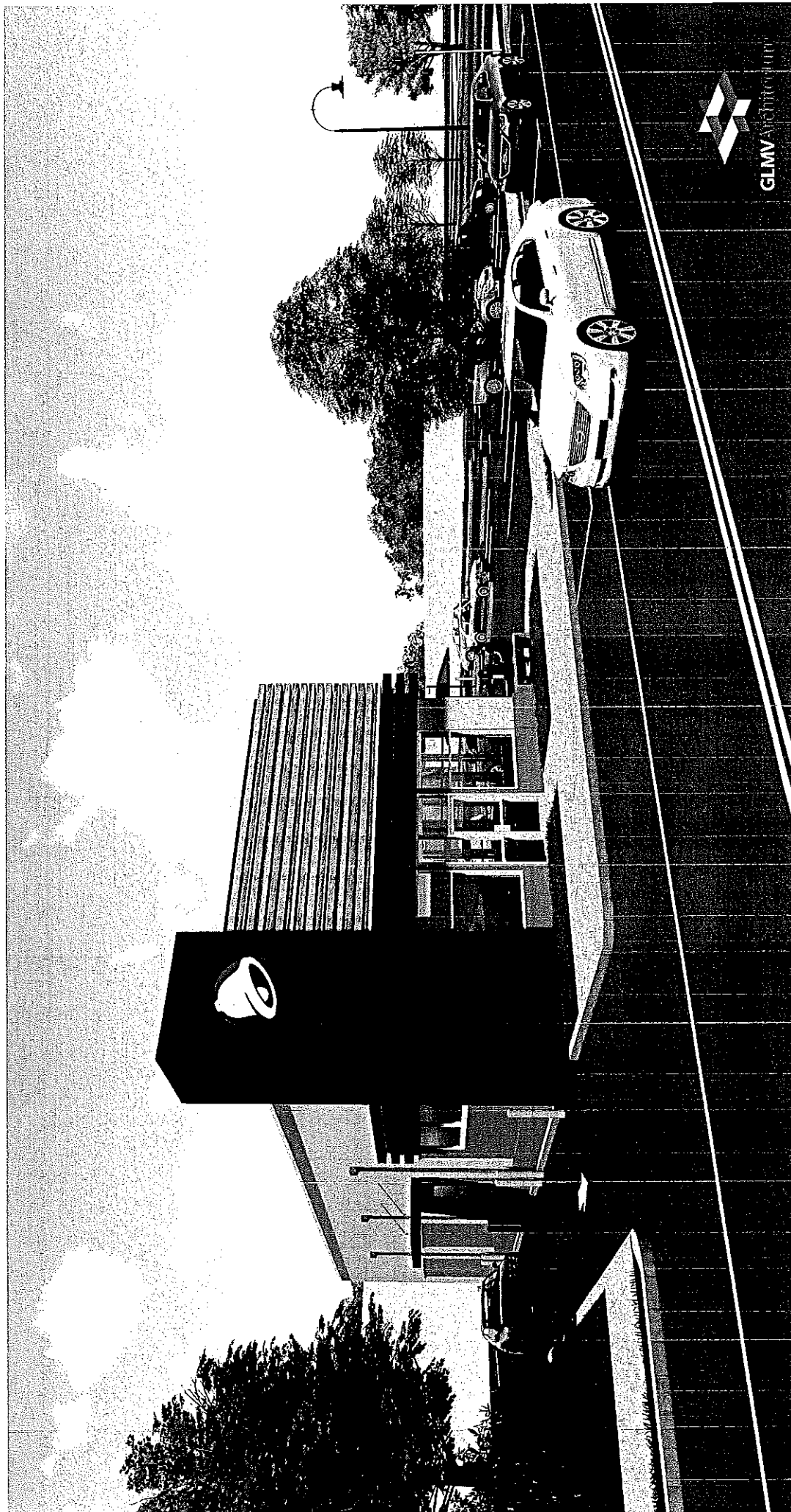
Drawn By: RB

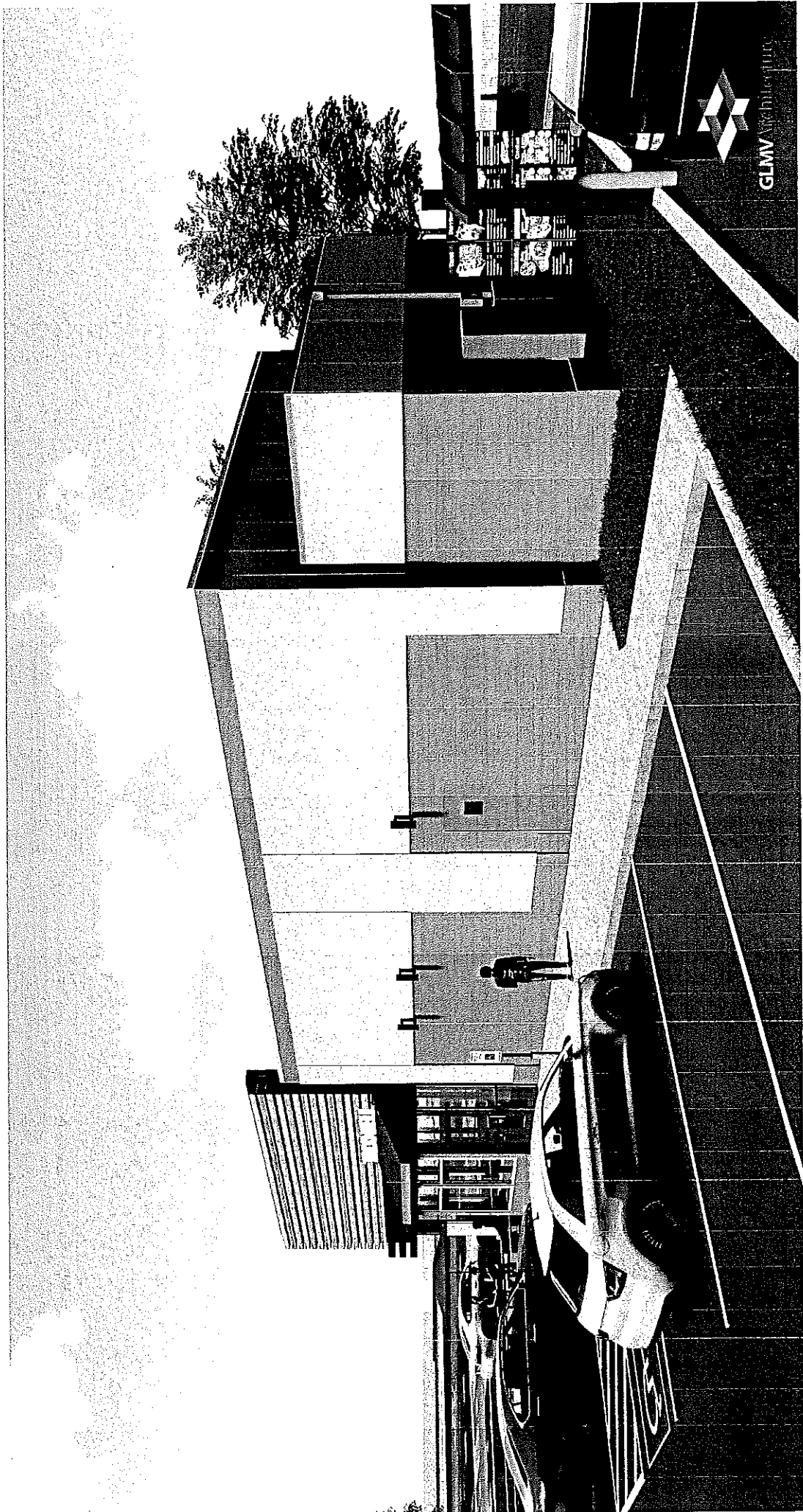
**TACO BELL**

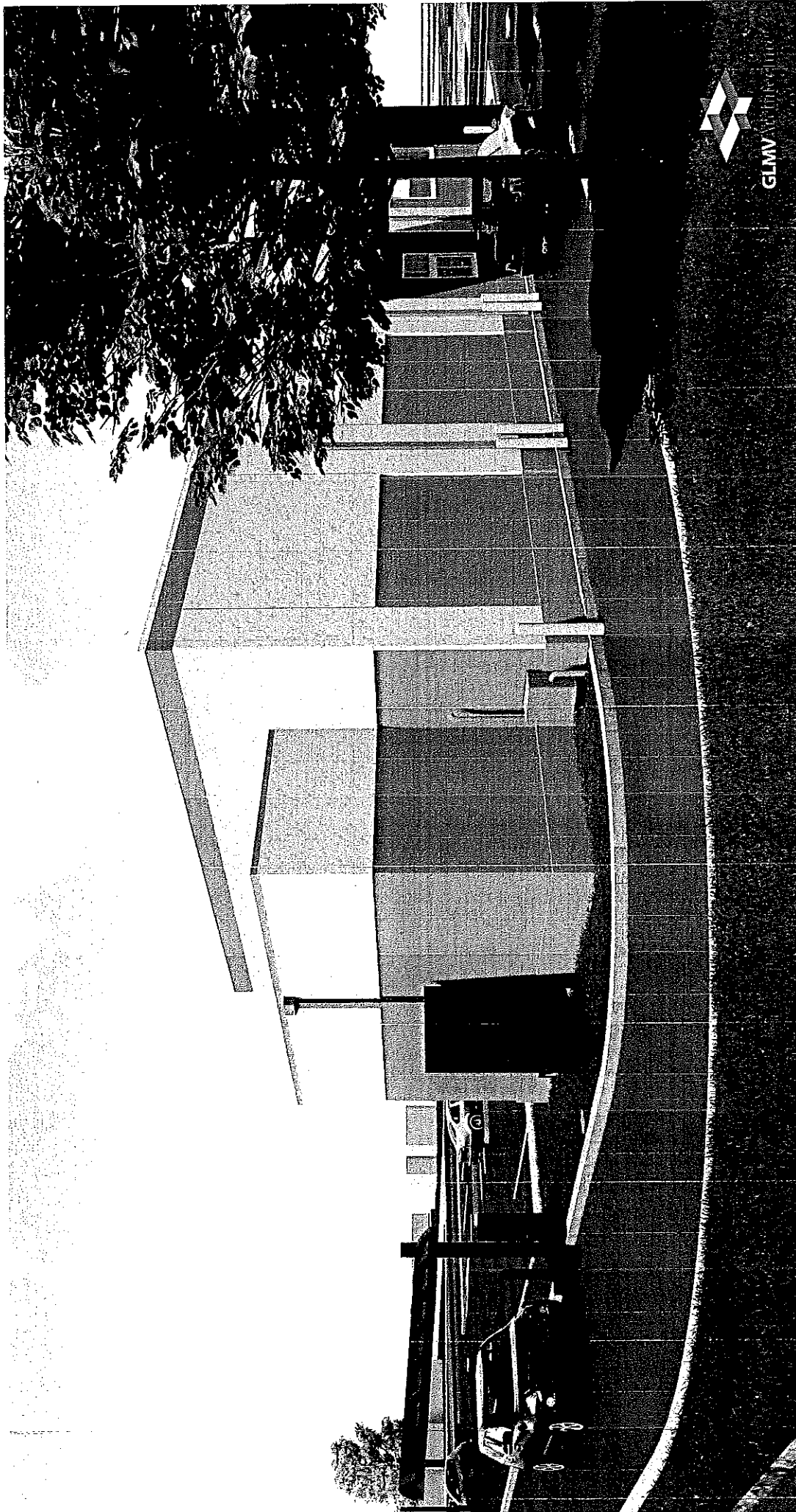
Attachment: **Main\_St\_2433\_2017 (3822 : 2433 Main Street)**

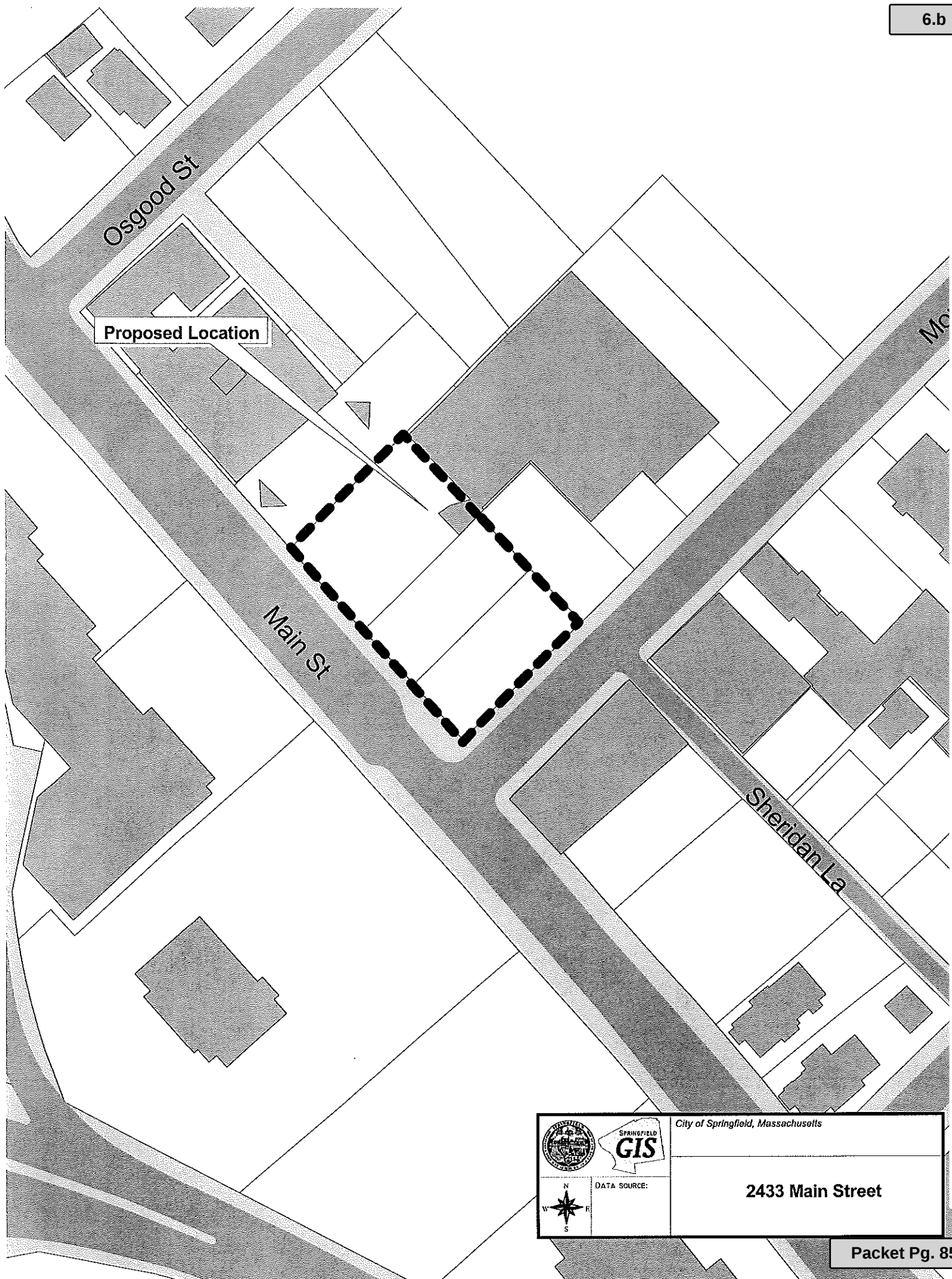












Attachment: Main St 2433 2017 (3822 : 2433 Main Street)

|  |              |                                    |  |
|--|--------------|------------------------------------|--|
|  |              | City of Springfield, Massachusetts |  |
|  | DATA SOURCE: | 2433 Main Street                   |  |



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

Meeting: 01/23/17 07:00 PM  
Department: Economic Development  
Category: Special Permit  
Prepared By: Phil Dromey  
Initiator: Phil Dromey  
Sponsors:  
DOC ID: 3824

**TABLED**

**PETITION (ID # 3824)**

**For a Special Permit Motor Vehicle Rentals at the Properties  
Known as 1027 East Columbus Avenue (04303-0539), as  
Allowed by M.G.L. and the Springfield Zoning Ordinance,  
Article 4, Table 4-4, Section 12.2 and M.G.L.**

|             |                       |
|-------------|-----------------------|
| Request:    | See Above             |
| Owner:      | Harriet Cohen Trustee |
| By:         | Harriet Cohen         |
| Petitioner: | Jeffery Cohen         |
| By:         | Jeffery Cohen         |

**RESULT: LAY ON TABLE**

**Next: 2/27/2017 7:00 PM**

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

for a special permit motor vehicle rentals at the properties known as 1027 East Columbus Avenue (04303-0539), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

**Mailing Address:**

1027 East Columbus Avenue  
Springfield, MA 01105

**Owner:**

**Harriet Cohen Trustee**

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

BY:   
**Harriet Cohen**

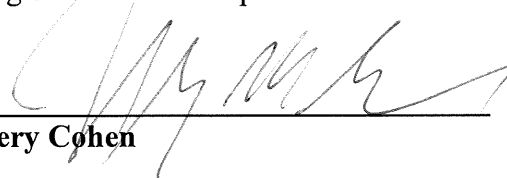
**Mailing Address:**

1027 East Columbus Avenue  
Springfield, MA 01105

**Petitioner:**

**Jeffery Cohen**

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

By:   
**Jeffery Cohen**



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

11/29/2016

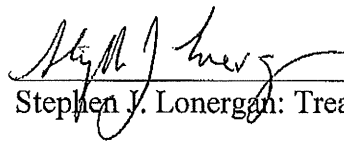
## Special Permit Tax Certification

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

Special Permit : 1027 East Columbus Avenue

Petitioner : Jeff Cohen

Landlord: Jeff Cohen-Harriet Cohen Trustee

  
Stephen J. Loneragan: Treasurer/Collector

Attachment: E\_Columbus\_Ave\_1027\_Tax\_Formal (3824 : 1027 E Columbus Avenue)

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

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**1027 EAST COLUMBUS AVENUE (04303-0539)  
MOTOR VEHICLE RENTAL (U-HAUL)**

*General Information*

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|                                                       |                                                                         |
|-------------------------------------------------------|-------------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Jeffery Cohen                                                           |
| <b>Request:</b>                                       | For a special permit for motor vehicle rentals (U-Haul).                |
| <b>Proposed use of the property:</b>                  | Retail operation                                                        |
| <b>Parcel Size:</b>                                   | 10,960 s.f.                                                             |
| <b>Compatibility with current planning documents:</b> | The South End Neighborhood Plan does not show any changes to this area. |
| <b>Neighborhood council notification:</b>             | South End Citizens Council: 1-3-17                                      |
| <b>Tax Status:</b>                                    | SEE ATTACHED                                                            |
| <b>Site Visit:</b>                                    | 1-5-17                                                                  |
| <b>Hearing Date:</b>                                  | 1-23-17                                                                 |

*Staff Analysis*

**Neighborhood characteristics:**

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

- To the north is an office building and single-family home zoned Business B.
- To the south is a restaurant zoned Business B.
- To the west is East Columbus Avenue and I-91.
- To the east is a two-family home zoned Residence C.

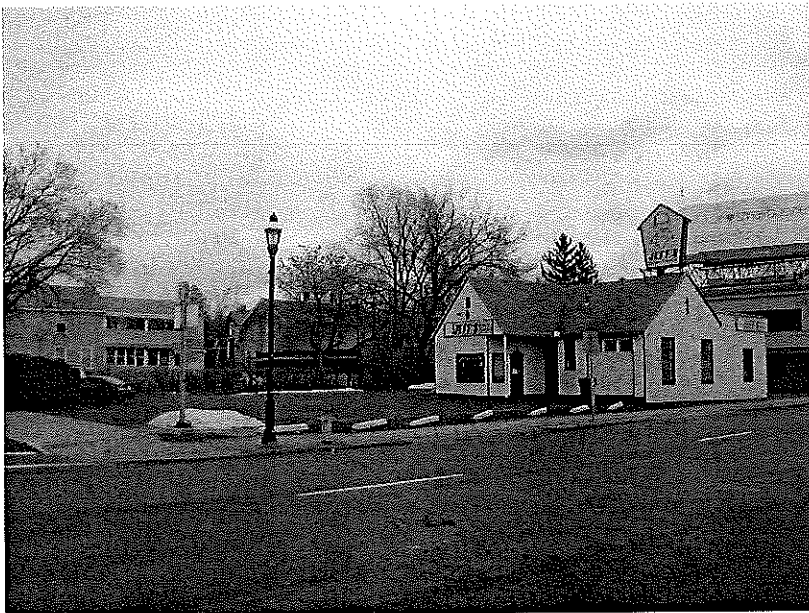
**Site plan review:**

The petitioner has requested a special permit for motor vehicle rentals at the property known as 1027 East Columbus Avenue. This is the current location of Jeff's Picture Framing. The proposed special permit would allow for the accessory rental of U-Haul vehicles.

In reviewing the proposed plans, it was noted that the plans indicate parking along the eastern property line of the site. However, this portion of the property is currently zoned Commercial P. Commercial P is a very limited zoning district that can only be used for commercial parking. As such, the storage of rental vehicles on this portion of the property is not allowed. Therefore, the only portion of the property that could be used to park the proposed U-Haul vehicles would be along the front of the property, adjacent to East Columbus

Avenue. This is also the main parking area for the existing business.

As noted above, due to the fact that the only area that these vehicles could be parked is along the frontage of East Columbus Avenue, the staff does have concerns about the size and number of vehicles being proposed for this location. The plan submitted does not indicate the number or size of vehicles looking to be parked at this location. If approved, the staff would strongly recommend that not more than two (2) vehicles be allowed to be stored at this location and they should be no larger than the fifteen (15) foot truck size.



#### *Recommendation*

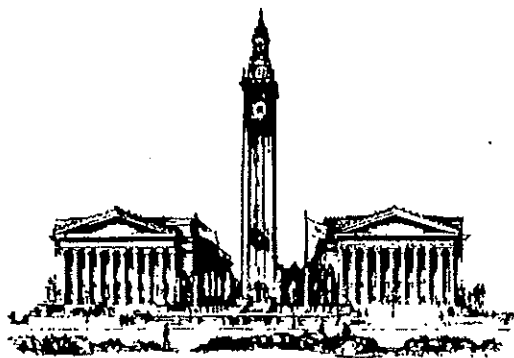
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Approve, with conditions.

#### *Recommended Conditions*

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1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for motor vehicle rentals at the property known as 1027 East Columbus Avenue (04303-0539).
3. The use shall be developed in accordance to the attached site plan with the addition of condition #4 through #9.
4. There shall be no parking of U-Haul vehicles on the Commercial P zoned portion of the property (property known as SS Fremont Street).
5. There shall be no more than two (2) rental vehicles stored on the site at any one time.
6. The rental vehicles shall be no larger than a fifteen (15) foot truck.
7. The site shall be maintained free of all litter, trash and debris.
8. The public sidewalks shall be maintained, including snow removal.
9. There shall be no additional signage associated with this use.
10. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



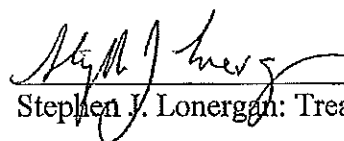
THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

11/29/2016

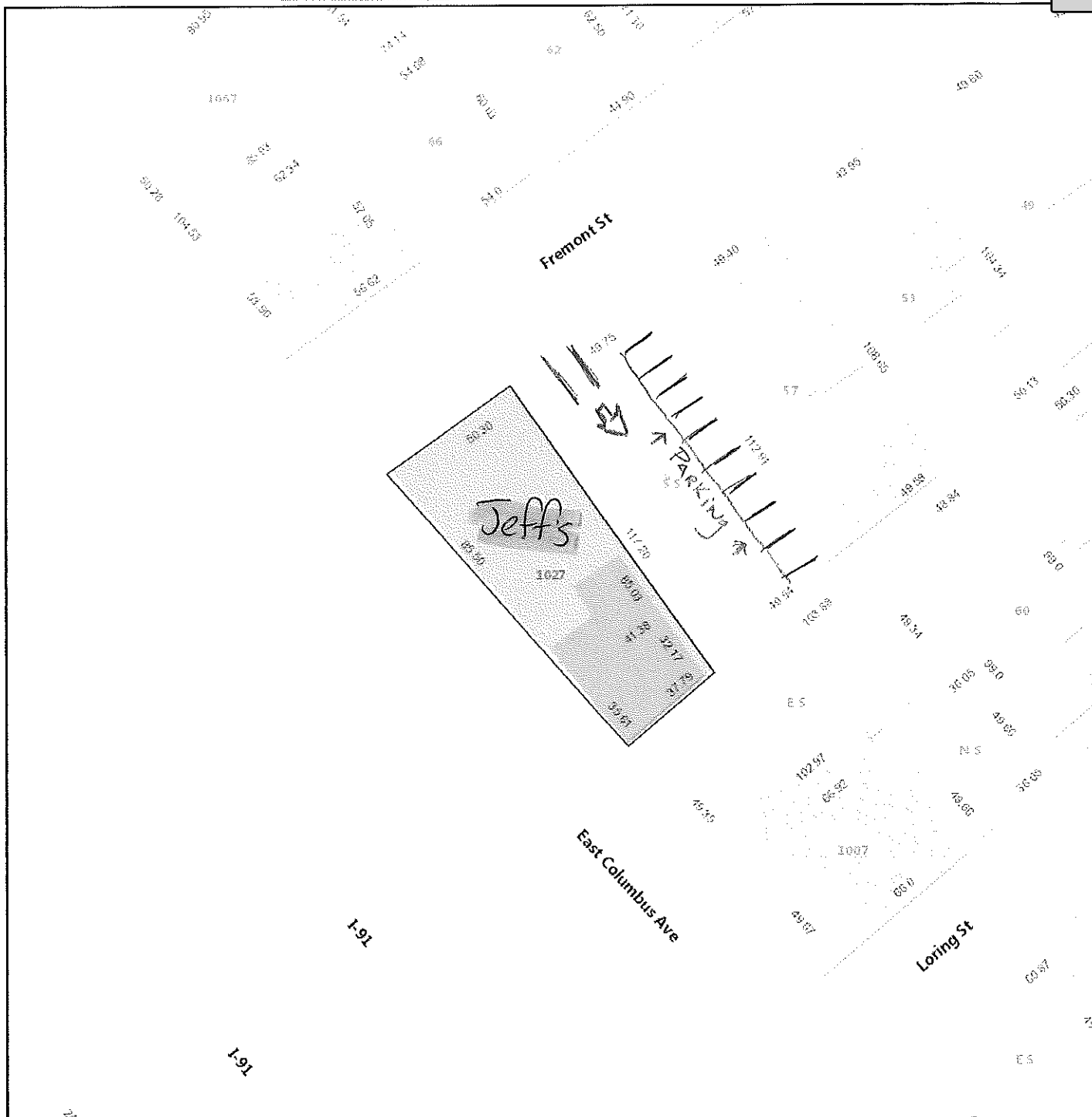
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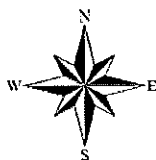
**1027 EAST COLUMBUS**

11/22/2016 9:59:01

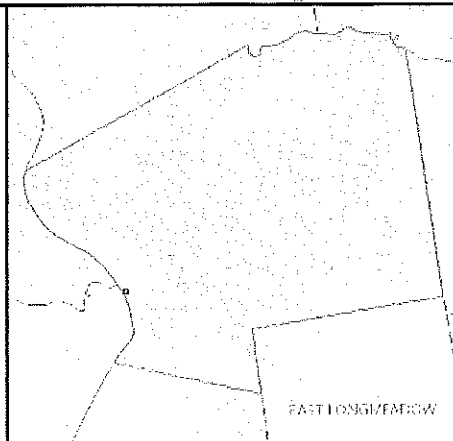
1"=47'

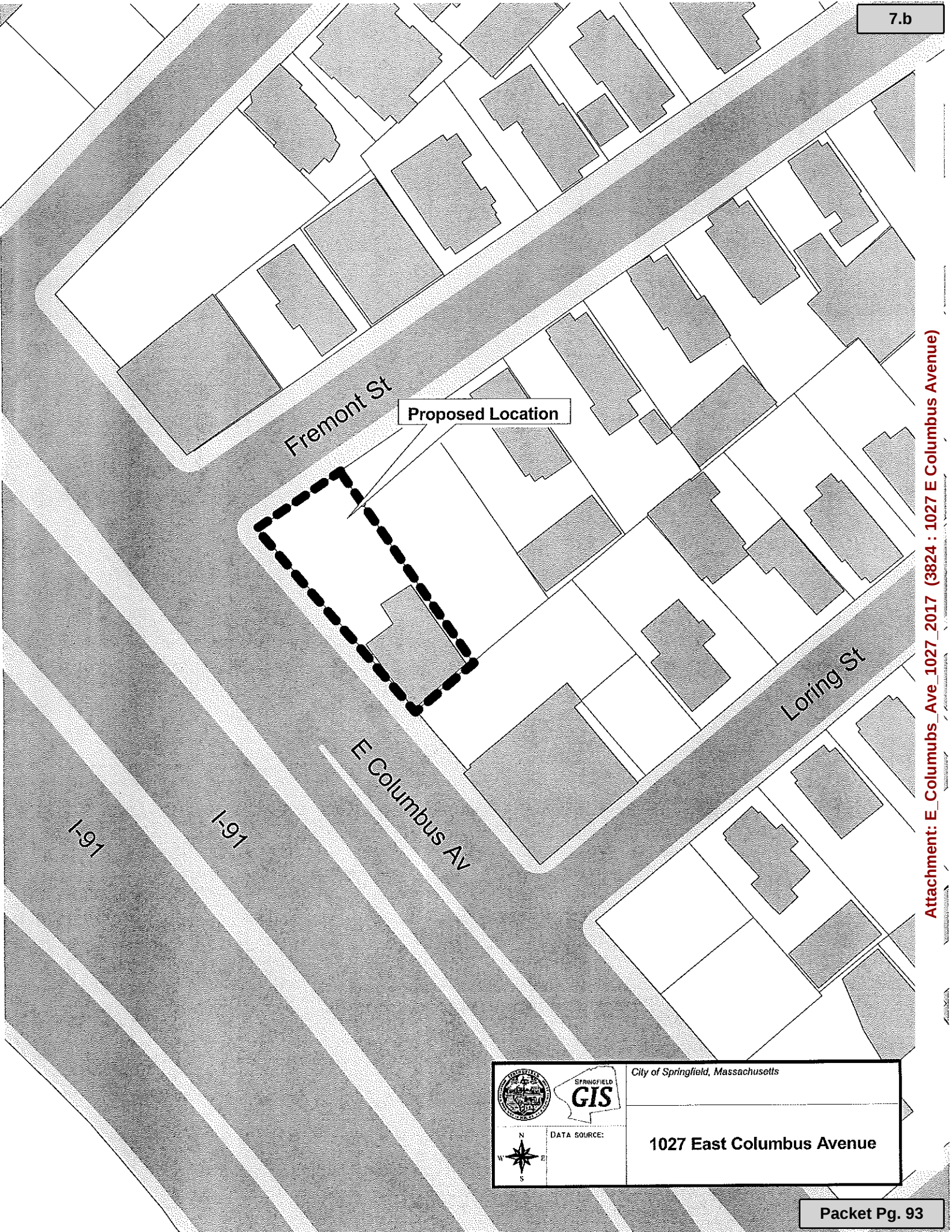
**Property Information**

|                                 |                    |
|---------------------------------|--------------------|
| <b>Parcel ID</b>                | 04303-0539         |
| <b>Owner Name</b>               | COHEN HARRIET      |
| <b>Owner Address1</b>           | 1027 EAST COLUMBUS |
| <b>Owner Address2</b>           | SPRINGFIELD, MA    |
| <b>Land Area In Square Feet</b> | 5,236              |
| <b>Assessed Value</b>           | 165,500            |
| <b>Historic</b>                 |                    |
| <b>Zoning Name</b>              | Business B         |



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Attachment: E\_Columbus\_Ave\_1027\_2017 (3824 : 1027 E Columbus Avenue)

|                                                                                                          |                                    |
|----------------------------------------------------------------------------------------------------------|------------------------------------|
| <br>N<br>W<br>E<br>S | City of Springfield, Massachusetts |
|                                                                                                          | 1027 East Columbus Avenue          |